Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

http://www.archive.org/details/censortheatres00palm

THE CENSOR
AND
THE THEATRES

BY

JOHN PALMER

NEW YORK
MITCHELL KENNERLEY
1913

(*All rights reserved.*)

PN
2044
G7P2
cop. 2

NOTE

The copyright in all Government publications is vested in the Controller of His Majesty's Stationery Office personally by letters patent under the Great Seal.

The permission of the Controller of His Majesty's Stationery Office has been duly obtained for the reproduction of extracts from the Report of the Joint Select Committee of both Houses on the Stage Plays (Censorship) quoted in this essay.

944110

"If poets and players are to be restrained, let them be restrained, as other subjects are, by the known laws of their country; if they offend, let them be tried, as every Englishman ought to be, by God and their country. Do not let us submit them to the arbitrary will and pleasure of any one man."—Lord Chesterfield on the Theatres Act, 1737.

CONTENTS

CHAP.		PAGE
	INTRODUCTION	11
I.	THE ORIGIN AND LAW OF CENSORSHIP	17
II.	THE IMPERTURBABLE DEPARTMENT .	58
III.	THE PILLARS OF THE CENSOR . .	146
IV.	THE DRAMATIC AUTHORS . . .	203
V.	REMEDIES	279

INTRODUCTION

The Report of the Joint Select Committee of 1909.

One of the cheapest volumes ever offered the public by a British Government is the Report from the Joint Select Committee of the House of Lords and the House of Commons on the Stage Plays (Censorship), together with the Proceedings of the Committee, Minutes of Evidence, and Appendices, ordered by the House of Commons to be printed 2nd November 1909. This is far from being so barbarous a document as the title suggests. It weighs $2\frac{1}{4}$ lb.; there are 375 pages, running into something like half-a-million words; among its contributors are Mr Bernard Shaw, Mr Granville Barker, Mr J. M. Barrie, Mr Forbes Robertson, Mr John Galsworthy, Mr Laurence Hausman, Sir Herbert Tree, Sir William Gilbert, Mr A. B. Walkley, Miss Lena Ashwell, Sir George Alexander, Mr George Edwardes, Mr Comyns Carr, the Speaker of the House of Commons, the Right Reverend the Lord Bishop of Southwark, Mr Hall Caine, Mr Israel Zangwill, Sir Squire Bancroft, Sir Arthur Pinero, and Mr G. K. Chesterton, with

many other famous people of whom the public has never heard. This wonderful volume may be bought for three shillings and threepence. The question naturally arises: How can any book on the Censorship of Stage Plays compete with it?

Entertaining, but quite unreadable.

First, few people have time to read half-a-million words on any subject. Second, no one not professionally interested in the theatre would care to read the Report from the Joint Select Committee, etc., even if he had the time. For the book is mostly dull, in spite of its authors; also it is extremely exhausting, even where it fails to be dull. It is a mine of entertainment, but it is really a mine, and the entertainment has to be dug out. The method of Joint Committees scarcely favours literary brilliance in the witnesses. A witness prepares a statement of his views; but instead of being allowed to read it preliminary to cross-examination, so that it may go down in bulk upon the Minutes, he is coaxed and bullied into a confession of his opinions by questions put seriatim by members of the Committee. From the official point of view the method is admirable. It is obviously most correct that witnesses should be ridden on the curb, and that the Committee should have power to suppress anything which may be pertinent, though inconvenient to be heard.

But the method rather takes off from the literary value of the proceedings. If any one wishes to verify this, he should compare Mr Bernard Shaw's rejected written statement of evidence with his evidence orally presented to the Committee under cross-examination. Mr Shaw had had a long experience of public life and public speaking, but it is not humanly possible to make the most of an argument under a critical fire of interrogation. Moreover, the Report from the Joint Select Committee, etc., is full of the vainest repetition. One after another witnesses are taken over the same ground by the patient Committee; and though it is frequently amusing to note small variations in the manner of their going, the general reader will find little that is fresh or interesting after he has been through the evidence of one or two champions on either side. In fact, much of the amusement and instruction to be derived from the Report consists in grouping and collating the evidence of witnesses, and in picking from the dull mass of argument that is common to this group or that small individual points of difference. Few of the distinguished men who appeared before the Committee omitted to contribute some interesting argument, admission, or point of view; but it is rarely worth the while of a general reader to go through the whole of a

witness's evidence to come at the one or two things which particularly distinguish him from his predecessors. The Report from the Joint Select Committee is a book that every one interested in the theatre should have (Index, threepence extra), but few would care to undertake it as light, continuous reading.

Competition is therefore possible.

It is not, therefore, so insane an enterprise as it seems to compete with a Government publication supported by so distinguished a body of contributors. The Report is in parts excellent; but, after all, a point of view is rather necessary to a book, though it is a custom increasingly common among authors to begin writing about a subject in order to discover what they think. The Report from the Joint Select Committee has ten editors. Each member of the Committee has his own set of problems for each witness, and no member of the Committee has the slightest regard for the effect of his behaviour upon the literary or philosophic value to the Report of the evidence he draws. The Report, therefore, though one of the cheapest, is also one of the most chaotic and puzzling volumes that has ever been offered to the public. Witnesses agree neither as to their arguments nor as to the facts upon which their arguments are based. Arguments in absolute contradiction are put forward by witnesses on

the same side, supported by facts which are flatly opposed. The Committee is asked by one witness to abolish the Censor for the very reason which another witness has already put forward for his retention. It is characteristic of the Censorship question that it hopelessly corrupts the logic of all but the strongest heads. Hopeless confusion of fact and argument, together with a complete absence of any sort of arrangement of the evidence, makes the Report from the Joint Select Committee, etc., despite its extreme value to the specialist in Censorship (whose mind is already made up), a book very doubtfully precious to the general reader, who has not yet seriously considered whether he wants a Censorship or not. The effect of the evidence upon half-open minds of the inexpert is well illustrated by the decision of the Committee itself. As time went on, and witness succeeded witness, the Committee was continually more bewildered, till at last it issued a Report which remains to this day an obstacle to any clear thinking on the subject.

Object and Scope.

The larger half of the present essay is based upon the evidence given before the Joint Select Committee of 1909. Everything was said before this Committee that can be said on either side; and any remedy that may be found in legislation for the anomalies of the present position will

have to be based on a careful reading of the witnesses. After discussing the origin of Censorship, and stating as briefly and clearly as possible the law as it stands to-day, I propose to group the evidence for and against the Censor, to outline briefly the various remedies which at present hold the field, and to sum up—conclusively, as I hope—in favour of the honest, practicable remedy of abolition and the single licence for theatre and music-hall. I shall not in this essay assume on the part of my readers any special knowledge, legal or professional, of the theatre and its laws. Any one who has this knowledge would naturally go to the Blue-book and dig for himself. But in grouping the evidence I shall leave it open to the reader to judge for himself the force and value of the main arguments used on either side, and I shall as far as possible allow the witnesses to speak for themselves. I do this partly from magnanimity, but more from a conviction that the more the pillars of Censorship are heard in their own defence, the better for their opponents. Personally, I was never thoroughly persuaded that the Censor ought to be abolished till I began to read the evidence of its more enlightened champions, Mr Fladgate and Sir George Alexander.

THE CENSOR AND THE THEATRES

CHAPTER I

THE ORIGIN AND LAW OF CENSORSHIP

Public ignorance as to the Censor.

WHAT does the public know or care about the Censor? Sir George Alexander was probably not very wrong when he told the Committee in one of the numerous bright passages of his evidence: "I doubt very much whether the large majority of playgoers were aware until this enquiry took place that there was a Censor." The large majority of playgoers probably has never realised that authors who write for the theatre are liable to be robbed of their property without appeal by a person (the Lord Chamberlain) who administers neither law nor tradition, and that a virtual insurance against prosecution under the common law is every day granted to authors and managers by an official (the Lord Chamberlain's Examiner) who legally does not

exist. As to the Lord Chamberlain, the pit and gallery of a west-end theatre are mostly aware of him as being responsible for a minimum number of exits to the theatre, the freedom of gangways from obstruction, and the lowering of a fire-proof curtain at least once in the course of every performance—arrangements with which in practice he has nothing whatever to do. For stalls and circle, the Lord Chamberlain was till recently remarkable as the author of a celebrated under-statement to Mr Speaker that he was not an agricultural labourer.

What is the law of the Censor?

We must be quite clear as to the law of Censorship before touching upon arguments and remedies. The facts are capable of quite simple arrangement. Nevertheless many who talk and write about them are hopelessly confused as to the legislative position. The amazing uncertainties as to the conduct and responsibility of the Lord Chamberlain and his Examiner of Plays may be postponed to a later chapter. We shall then discover that neither the Lord Chamberlain nor his Examiner has a very clear idea of his powers, or even of the intention of his office. We shall find that in the Examiner's mind there is considerable uncertainty as to whether he is a censor of table-manners, a moral expert, a dramatic critic, a politician, or a Sociologist. But for the present we had best

confine ourselves to a plain statement of the law.

The exceptional position of dramatic authors.

The law of Censorship, as we shall see, dates from the Theatres Act of 1843. But before explaining the Provisions of the Theatres Act we may notice one rather important point as to the position of dramatic authors and managers to-day, and see whether it is not possible to discover its precise historic origin. What is most startling about the position of dramatic authors to-day is that, so far as their property is concerned, they are virtually outside the law. A play may be worth many thousands of pounds on performance; but it is possible for the Lord Chamberlain to destroy it utterly as a commodity by refusing it a licence. He may destroy it on no ascertainable ground, and according to no fixed body of law or tradition; and there is no appeal from his decision. Authors, other than dramatic authors, are not in this position. They are subject to the common law of their country, which is held sufficient to protect the public from their power to outrage or wound its susceptibilities. Why is the property of a dramatic author especially excepted from the laws which apply to property of every other person and of every other kind? When was it first considered necessary to discriminate against the theatre.

and what is the historic reason for this discrimination ?

The origin of Censorship.

It does not at first sight seem necessary in a study of Censorship to-day to go back in history beyond the Theatres Act of 1843. But it so happens that many of the Censor's friends have impudently claimed the historical argument for themselves. To this claim they have not a shadow of right. At no period before 1737, when Walpole outlawed the whole play-writing profession in circumstances as honourable to dramatic authors as it was disgraceful to himself, was the theatre in a position of inferiority to the pulpit or the press. Moreover, had it not been for Waplole and the theatres legislation of 1737 and 1843, pulpit, press, and play would to-day be on a footing of equality. The Theatres Act pulled up the general movement towards free thought as far as that movement was affecting plays and players. Pulpit and press went the appointed way of historical development. The theatre was arrested in the early eighteenth century, and is in a position to-day which is clearly exceptional.

I. The Origin of Censorship.

Shakespeare and the Tudor precedent.

Towards the close of the Middle Ages the theatre was becoming a profane institution. But it was not immediately the Gate of Hell.

It is a mistake to suppose that as soon as the theatre escaped from the Church the Church rounded upon her protégé, or that the State regarded it as a disreputable institution. Theatres and plays were strictly regulated under the Tudors; but this regulation did not rest upon any idea that play-houses should especially be stigmatised. It is important to realise that in the Tudor period—on the whole a period of order and common sense—the theatre was exactly on a level with every other institution which was able to disseminate ideas. It was neither more nor less controlled than the press or the pulpit. The idea that the plays of Shakespeare were the product of an age in which the theatre was held in contempt, and specially provided for in statutes about vagabonds, is at the bottom of a good deal of the optimism common among managers to-day as to the harmlessness of Censorship. The point about Tudor Censorship is that it dealt impartially with the theatre, the pulpit, and the press. The only distinction made in the case of theatres was a distinction which every opponent of Censorship is ready to make to-day—namely, that the theatre being a place where people assembled, it was necessary to impose certain regulations for the public health and safety. Far from denouncing and wishing to get away from the Tudor view of

plays and players, all we require to-day is to bring the Tudor view level with the time. If Elizabeth and her Council had taken a view of the theatre similar to that which was taken of it in England thirty years ago, Shakespeare would not have written plays. The Tudors did not differentiate against the play-house either in law or practice. Plays and players were under the same sort of supervision as regulated the ordinary citizen. It is true that companies of players in the time of Elizabeth would attach themselves to the Court or to a nobleman's household. This has been taken to prove that the Tudor player was a vagabond, who was compelled to write himself down the Earl of Leicester's servant if he wished to be regarded as a reputable citizen. This view could only be held in complete ignorance of Elizabethan administration and of the attitude of the Elizabethan State towards the individual. In Tudor times everybody was responsible for everybody else, and the player had somehow to fit himself into the scheme. There was only one kind of citizen which Elizabeth's Privy Council would not endure—the "masterless man." Masterless men might incontinently be shipped to the wars or deported beyond sea in batches. The Privy Council liked to know where people lived, what property they had, what books they

read, where they went for their holidays, and what opinions they held. The "masterless man" was suspect. They got rid of him. If Tudor players are to be regarded as vagabonds because they were expected to find what feudal lawyers called a warranty, then we must regard practically every Tudor person as a vagabond if he did not happen to be a landowner.

The Sovereign in Council.

The Censorship of plays and the control of theatres was in Shakespeare's day in the direct jurisdiction of the Sovereign in Council. There was nothing exceptional in this. In the latter half of the sixteenth century an attempt was being made to govern England on bureaucratic lines. The story of this attempt is not yet adequately written in any text-books of the period, but it may be gathered from one of the most fascinating records of political activity extant—the Acts of the Privy Council, edited by Sir William Dasent. The Privy Council, acting through Commissioners, Justices of the Peace, and local gentlemen, regulated the life of its farthest and humblest citizen as wholly as it ruled the convictions of its bishops. It determined the plays he should see in the same spirit that it determined the sermons he should hear, the books he should read, the clothes he should wear, the food he should eat, the games he should play. His public speaking was as

strictly regulated as the length of his sword-blade. In comparison with pulpits, or alehouses, or bookshops, the theatre was a free place. An author who avoided the commonplaces of sedition, and was not grossly obscene, or blasphemous, or libellous, was comparatively immune from interference. The Council was frequently compelled to close a theatre for reasons of public health. Players were frequently bound over not to act again without licence for offering "lewd" plays; or they might be reprimanded for staging a play which contained thinly-disguised representations of living men of note, "a thing very unfit, offensive, and contrary to such direction as has been heretofore taken." But if a licence for players was considered to be on occasion necessary, so were licences for travellers beyond sea, gipsies, tavern-keepers, merchants, butchers, beggars, publishers, preachers, and couriers. In 1582 the Council set up a form of Censorship not very different in scope from the Censorship of Messrs Brookfield and Bendall. This Censorship was to be in the hands of "fit persons who may consider and allow of such plays as be fit to yield honest recreation without evil example." Such delegations of authority were part of the Tudor plan of Government in Council. They never, of course, superseded the authority of the Council

itself—or, rather, of the Sovereign in Council. The Council delegated its powers indifferently to individuals or committees. Thus a patent granted to Leicester in 1574 gives him a general licence to act plays in any part of England; but all "comedies, tragedies, interludes, and stage-plays" are first to be examined and allowed by the Master of the Revels. This was an official under the Lord Chamberlain, first appointed by Henry VIII. in 1544. But neither his nor the Lord Chamberlain's authority over the theatre was arbitrary or exceptional. It was exercised under the Council with a strictly limited discretion. It was revocable, and exercised within the terms of delegation. Occasionally the Council would direct that the Master of the Revels should be advised by distinguished men of the day, as when they gave Edmund Tilney a statesman and divine to assist him in "reforming" comedies and tragedies. Coxe, in his life of Walpole, quaintly comments upon this: "Had not these wise regulations taken place, Shakespeare might have confined to burlesque farces and low buffoonery those vast powers of invention and description which his own language can alone adequately delineate."

Tudor Censorship of the theatre, then, was part of the law and custom under which every other form of contemporary activity flourished.

Tudor Censorship the law and custom of the land.

Shakespeare's theatre in 1582 occupied in relation to art and letters of the day exactly the position it would occupy in 1912 if Censorship, whether of the Lord Chamberlain or the local authority, were abolished, and if theatres were put under the common law. In this event theatres would be neither more nor less free than political platforms, which was precisely the position in the time of Shakespeare. It was regarded as subject to the prerogative of the Sovereign in Council, as was every other province of the citizens' activity.

History of the Censorship normal from 1603 to 1640.

Thence to the time of Oliver Cromwell nothing of moment happened to the British theatre. But in the interval the Tudor system of Government by Administrative Order in Council was falling to pieces, and the so-called abolition of Star Chamber in 1640 was the final defeat of a system of centralised bureaucracy which for a generation had made England the best-governed country in Europe. The control of theatres was part of this system up to the moment when Cromwell so rudely disturbed the course of our history. It was still exercised —as under Elizabeth—by the King, either in Council or through his officers of the Court. But it was inevitable that, as the conciliar system began everywhere to break down, the Lord Chamberlain's functions in this respect grew in

importance. The records of his office show that as early as 1628 the Lord Chamberlain, either personally or through the Master of the Revels, licensed theatres, closed them, and exercised a general supervision over the work of the dramatists. It so happened that King Charles I. took rather an interest in plays, and there is on record an amusing memorandum of Sir Henry Herbert (Master of Revels under Pembroke as Chamberlain), which illustrates the extreme decorum of a Court whose Sovereign was rich in all the amiable virtues. Sir Henry had read a play in which he discovered the oaths *faith, death, slight.* "Swear not at all" was at that time the order of the theatre, so Sir Henry thought the play should be taken to the King. Accordingly we read: "The King is pleased to take *faith, death, slight,* for asservations and no oaths, to which I doe humbly submit as my master's judgment; but under favour conceive them to be oaths."[1] This story would seem to show that the theatre of King Charles was free only within the straitest limits, but it was as free as the press, and as free as the pulpit, and as free as the hustings. There was as yet no discrimination. Prynne and Bastwick and Burton would certainly have told you that it

[1] Mr William Archer tells this story in an essay on the Censorship, published in 1886 by Mr Fisher Unwin.

was safer to be a playwright or a player, and in that character to say and write what you had to say, than to be a preacher or a printer.

The theatre as the Gate of Hell.

Oliver Cromwell is important. He had as little permanent influence upon the law of Censorship as upon the law of the Constitution; but indirectly he was responsible for a great deal. He abolished the House of Lords; and the House of Lords returned. He abolished the theatre; and the theatre was restored. But the political or moral result of these proceedings was not measured by the thoroughness with which his work was afterwards undone. The Puritan Nonconformist view of the theatre as the Gate of Hell was at one time almost universally held, and is held to this day by large sections of the British middle class. Indirectly this view has helped the Censor in modern times to assume a position of moral expert and pillar of the social fabric, though by origin he has no business with moral questions at all. The Puritan view has to be taken carefully into account when we consider the risk involved to the theatre in allowing any form of Censorship by local authorities. But in spite of its indirect importance, the Puritan or moral view of the theatre is not historically the origin of its being to-day outside the law which protects every other form of intellectual activity.

The theatre at the Restoration was immediately restored. Nominally it was supposed to go on as before under the old sanctions. Actually the position was different. From the Restoration to the Revolution was a free period for the theatres. From 1660 to 1685 plays and players, nominally under the Lord Chamberlain's Master of the Revels, were so far as Censorship was concerned considerably more free than any other form of literary activity. Differences between the managers and Sir Henry Herbert, who reasserted his authority and tried valiantly to stem the current of the age, were usually settled, as under Charles I., personally by the King or his brother. Sir Henry Herbert as Censor morum of the Court of Charles II. is a pathetic historic figure, whose life is worthy of closer examination than it has yet received. After his death Charles II., whose conduct was often as witty as his speech, appointed as his successor Charles Killigrew, manager of the King's Company. The freedom of the stage may now be faintly imagined. The theatre, in fact, was never so near to absolute freedom as under Charles II. It shared the general benefit of the change towards freedom of word and thought; and the chief point to notice is that still it was not in any exceptional position. We cannot too clearly realise that at no time in

The free period for theatres.

our history, until Censorship was established in its present form by statute, was the theatre regarded as needing special treatment. From the Restoration to the Revolution it was in the normal run of progress, and it faithfully reflected the period. It was becoming free as the press was becoming free — by an inevitable loosening of administration and a gradual disuse of prerogative.

Restoration drama not licentious.

Some will object here that it is dangerous for an opponent of Censorship to claim the Restoration period as a period of comparative freedom for the theatre. If Restoration drama is a sample of the kind of theatrical literature that flourishes upon a free stage, should we not cling desperately to Censorship as the one practical means of keeping our theatres clean? Something will have to be said about Censorship and clean drama at a later stage. But a word here is necessary as to the drama of Congreve and his contemporaries. Restoration drama, as a body of literature, was upon a higher level than drama has been in this country from the beginning of the present system of Censorship down to, at any rate, some twenty years ago. A good deal of nonsense has been talked and written about Restoration drama. It has been reprobated as unclean by critics who have never read the plays, and have taken their

views, presumably, from professors of history and literature who confuse brilliant conventional cynicism with pornography. The licentiousness of Restoration drama was a concession to a harmless convention of the time—a convention common to periods brilliant for social culture and wit—that every one should pretend to be more wicked than he either was or cared to be. A play of Congreve would affect many a well-bred person of to-day much as the vision of his sweetheart in evening dress affected Mr Kipps. Mr Kipps' ideas of what was conventionally irreproachable did not include a young woman dining in public very nearly naked to the waist. You might point out to him that, once the convention was accepted, no one need realise that it existed; that it was possible for men and women to sit comfortably side by side in the circumstances that startled him so tremendously without once feeling that there was anything particularly disquieting or extraordinary in the situation. But Mr Kipps would never be able comfortably to endure the convention of ladies in evening dress until he failed to notice it, and would remain defiantly incredulous of those who could. Critics who object to Restoration drama for its licentiousness are exactly in the position of Mr Kipps. It is possible—in fact, for a cultivated person anything else would be

impossible—to read through a play of Congreve without once realising that it is not entirely respectable. Certainly no one who entered a Restoration theatre would ever have felt conscious that he was taking an aphrodisiac. He would admire the wit, dexterity, and polish with which his author moved among the recognised conventions of the period. The pointless vulgarity of bowdlerised importations from France were reserved for audiences of the late nineteenth century, proudly conscious of being in a clean theatre, and under express statutory protection of the Lord Chamberlain.

From the Revolution to Walpole.

At the Revolution there was a temporary set-back. Early in the days of William people began to discover how wicked their fathers were, and Jeremy Collier published a little book which is one of the curiosities of literature. It purported to be a "short view of the stage"; it was actually a collection from Congreve, Wycherly, and Dryden of all the passages considered by Collier to be the most profane and obscene. Collier, in fact, adopted the method of all respectable pamphleteers and newspapers, which contrive to make the best of both worlds, offering the public wares he held to be unfit for sale, and disguising the exact nature of the undertaking with righteousness in the margin. King William was tremendously shocked, and sent

the following order to all play-houses: "His Majesty being informed that, notwithstanding an order made in June 1697 by the Earl of Sunderland, then Lord Chamberlain of the King's Household, to prevent the profaneness and immorality of the stage, several plays have lately been acted containing several expressions contrary to religion and good manners; and whereas the Master of the Revels hath represented that in contempt of the said order the actors did neglect to leave out such profane and indecent expressions as he had thought proper to be omitted; therefore it is his Majesty's pleasure that they shall not hereafter presume to act anything in any play contrary to religion and good manners, as they shall answer at their utmost peril." This order was a nine-days' scare among the theatres; after nine days it was absolutely disregarded. The order is itself evidence that the theatres were passing in the order of nature out of the Lord Chamberlain's control. Moreover, a patent granted to Steel, Cibber, and Booth shortly after the accession of George I. actually allowed them to present plays without subjecting them to licence or revision of any kind. In fact, whenever the Chamberlain's decaying powers were exercised, as in the celebrated case of "Polly," sequel to "The Beggar's Opera," there was considerable

indignation among authors and wits. The public, too, was against the Lord Chamberlain. It was about this time that an actor was taken from the Haymarket stage for acting without a licence and committed to Bridewell. At the trial he was discharged on the plea that, since he was a householder and had a parliamentary vote, he could not be a vagrant. The public were wild with delight.

Walpole and "The Golden Rump."

We have now arrived at the point where the theatre parted company with the press, and where dramatic authors were first deliberately placed at a disadvantage compared with novelists, essayists, and preachers. It is notorious that the period of Walpole's administration was politically one of the most corrupt in English history. Possibly, so far as the House of Commons is concerned, the last years of the Long Parliament of Charles II., whose Members were purchased in batches by Louis XIV., was worse. But bribery of the House of Commons was elevated into a system by Walpole. Every one knew the facts; but that, as every one knows who is familiar with British public life, is no reason why it should be safe to mention them. Gay wrote "The Beggar's Opera," and it thoroughly disturbed Walpole and his supporters. "The Beggar's Opera" went home; the public was delighted; and Gay immediately

attempted to press his advantage. But "Polly" was suppressed by the licenser; and when Fielding appeared with "The Historical Register of 1736," in which Quidam was presented distributing purses red-handed among his supporters, Walpole rose to the occasion with 10 Geo. II. c. 19. His procedure was diabolical. Naturally he could not appear before Parliament with an Act for the suppression of free speech in the theatre on the ground that the House of Commons was too corrupt to bear a public statement of its character. No doubt the position was put plainly to Members in course of the "lobbying," whereby Walpole invariably won golden opinions of the House. But 10 Geo. II. c. 19 was ostensibly directed, not against "The Historical Register," but against "The Golden Rump"—an offensive and obscene play which had just come into the hands of Walpole conveniently for his purpose. Quite possibly it was written by an agent *provocateur* of the Government; we may, in fact, assume, in the absence of any documentary proof to the contrary, that "The Golden Rump" was written to save the face of the House of Commons, and to enable it virtuously to pass an Act for its own protection. The story goes that "The Golden Rump" was brought to Walpole by Gifford, manager of Goodman's

Fields Theatre, either to ask the Prime Minister's advice as to its presentation, or to extort blackmail for its suppression. The story is wildly improbable, for the proprietor of Goodman's Fields was a staunch opponent of Censorship in any form, and would not thus have played into Walpole's hand. Gifford, in fact, was the only proprietor of a theatre to petition against the moderate and honestly intended Bill of Sir John Barnard, introduced into the House of Commons in 1736.

The astonishing history of the Bill of Sir John Barnard.

The story of Sir John Barnard's Bill "to restrain the number of houses for playing of interludes, and the better regulating of common players of interludes," is worth recalling, since it proves absolutely that Walpole did not care a straw for the virtuous conduct of play-houses, but was simply interested in suppressing political plays. The Bill was at first received into the House of Commons with ridicule; but when Pulteney, Sandys, and Walpole declared in its favour, it was unanimously brought in and ordered to be printed. Meantime every one was asking why Walpole, who possessed the finest extant collection of profane and wicked stories, had suddenly come forward as a champion of morality. The mystery was explained in committee, when Government appeared with an amendment proposing to insert a clause, on the

lines of Walpole's subsequent Act, ratifying and enlarging the powers of the Lord Chamberlain to license plays. Sir John Barnard objected. The Lord Chamberlain, he urged, was a nuisance; his authority was already too great, and was wantonly exercised, particularly in the prohibition of "Polly." Moreover, Sir John Barnard insisted that his Bill was directed towards a regulation of play-houses in the interests of public decency, with which the clause of Walpole had nothing whatever to do. But the Government insisted on the amendment, and said the King would not pass the Bill without it. Walpole did not care about public decency; he did care about the suppression of "Polly." Sir John Barnard understood the situation perfectly, and dropped his Bill.

Walpole's Bill in Parliament.

Walpole's Act of 1737 is called: "A Bill to explain and amend so much of an Act made in the 12th year of the reign of Queen Anne intituled, An Act for reforming the laws relating to rogues, vagabonds, and sturdy beggars, and vagrants, and sending them whither they ought to be sent, as relates to the common players of interludes." The Bill was hurried through the House of Commons at the session's end under Government pressure. Unhappily no speech or report of the debates in the Commons or the Lords is on record, except the celebrated

speech of Lord Chesterfield. This speech is the *locus classicus* of Censorship. When we have discounted some old-fashioned rhetoric about liberty, and objected to some rather naïve historical references to Pompey and Imperial Rome, we may surrender to the enjoyment of a really able and polished presentment of the case against Censorship. It would be difficult to match the irony of Lord Chesterfield's opening sentences. We should read these sentences remembering carefully the facts as to the Bill—facts, of course, with which Lord Chesterfield was fully acquainted: "My Lords, the Bill now before you I apprehend to be of a very extraordinary, a very dangerous nature. It seems designed not only as a restraint on the licentiousness of the stage, but it will prove a most arbitrary restraint on the liberty of the stage. . . . It is not only a Bill, my Lords, of a very extraordinary nature, but it has been brought in at a very extraordinary season, and pushed with most extraordinary despatch. When I considered how near it was to the end of the session, and how long this session had been protracted beyond the usual time of the year . . . it set me upon inquiring what could be the reason for introducing this Bill at so unseasonable a time, and pressing it forward in a manner so very singular and uncommon,

I have made all possible enquiry, and as yet, I must confess, I am at a loss to find out the great occasion. I have, it is true, learned from common report outdoors that a seditious, a most heinous farce, had been offered to one of the theatres—a farce for which the authors ought to be punished in the most exemplary manner. But what was the consequence? The master of that theatre not only refused to bring it upon the stage, but carried it to a certain honourable gentleman in the administration, as the surest method of having it absolutely suppressed. Could this be the occasion for introducing such an extraordinary Bill, at such an extraordinary season, and pushing it in so extraordinary a manner? Surely no. The dutiful behaviour of the players, the prudent caution they showed upon that occasion, can never be a reason for subjecting them to such an arbitrary restraint; it is an argument in their favour, and a material one, in my opinion, against the Bill."

The protest of Lord Chesterfield.

Lord Chesterfield was so far unable to believe that any Government in its senses could propose to differentiate against dramatic authors, putting them outside the common law of their country and leaving every other sort of author inside, that he believed the Bill to be the prelude to a general attack upon the press and authors

in general. Here he overrated his opponents' sense of logic. But he proved his title to the perennial gratitude of dramatic authors by the clearness into which he saw through and protested against Walpole's intention of outlawing them, as King Lear outlawed the Duke of Kent, for their honesty: "I do not, my Lords, pretend to be a lawyer, I do not pretend to know perfectly the power and extent of our laws, but I have conversed with those that do, and by them I have been told that our laws are sufficient for punishing any man that shall dare to represent upon the stage what may appear, either by words or the representation, to be blasphemous, seditious, or immoral. . . . If the stage becomes at any time licentious, if a play appears to be a libel upon the Government or upon any particular man, the King's courts are open, the law is sufficient for punishing the offender." Moreover, urged Lord Chesterfield, if the law were not sufficient as it stood, Walpole's Censorship was not the remedy. "If poets and players are to be restrained, let them be restrained, as other subjects are, by the known laws of their country; if they offend, let them be tried, as every Englishman ought to be, by God and their country. Do not let us submit them to the arbitrary will and pleasure of any one man. A power lodged in the hands of one single man, to judge and

determine without control or appeal, is a sort of power unknown to our laws, inconsistent with our constitution."

Wit is a sort of property.

Other passages in Lord Chesterfield's speech will frequently meet us, in more modern phrase, when, in a later chapter of this book, the authors begin to be heard for themselves. Lord Chesterfield draws their Lordships' attention to a fact which is seldom realised by ninety-nine of the general public out of a hundred—namely, that "wit" is a sort of property. The Bill, he says, is "not only an encroachment upon liberty, but it is likewise an encroachment upon property. Wit, my Lords, is a sort of property; it is the property of those that have it, and too often the only property they have to depend on. It is, indeed, a precarious dependence. Thank God! we, my Lords, have a dependence of another kind; we have a much less precarious support, and therefore cannot feel the inconveniences of the Bill now before us; but it is our duty to encourage and protect wit, whosoever's property it may be. . . . I must own I cannot easily agree to the laying of any tax upon wit; but by this Bill it is to be heavily taxed—it is to be excised; for if this Bill passes, it cannot be retailed in a proper way without a permit, and the Lord Chamberlain is to have the honour of being chief

ganger, supervisor, commissioner, judge, and jury."

Walpole the saviour of society.

The passing of this Act in 1737 effectually saved the Government from further exposure. Fielding turned away from the theatre in disgust. Lord Chesterfield's prediction that the Act would "prevent every man of a generous and free spirit" from writing plays was in this instance immediately fulfilled. The Act is stated by several contemporaries to have been as unpopular as excise, and there are recorded several exciting incidents at Fielding's theatre when audiences began to be fobbed off with licensed work of the new dispensation. High feeling was probably confined to cultivated and articulate persons of the educated class. The majority of people would doubtless thank Walpole for his honest care in saving them from contamination of "The Golden Rump." Probably even the House of Commons persuaded itself before third reading that the Bill was really aimed at "The Golden Rump" and not at "The Historical Register." Certainly to this day it is a firm belief of the general public that the regulation of theatres in this country is intended to save them from plays like "The Golden Rump," and that it succeeds in its intention, whereas it is a common-place of the authors' case, as we shall see, that

10 Geo. II. c. 19 has been entirely faithful to its origin.

First consequence of Walpole's Act.

The first consequence of 10 Geo. II. c. 19 was to check the parallel advance of theatre and press towards freedom under the law. If the House of Commons had not, in 1737, been interested in shielding itself from criticism on the stage, the Lord Chamberlain's prerogative powers would have disappeared into the licensing laws. Walpole's Act originated and kept alive the idea that the theatre was in a different category from every other institution logically similar in intention.

The Theatres Act, 1843.

Walpole's Act was repealed by the statute of 1843, by which theatres are regulated at the present day. So far as Censorship is concerned the Theatres Act of 1843 made no practical difference. On the third reading of the Theatres Act Lord Campbell, objecting to the Lord Chamberlain's absolutely unfettered control of plays, attempted to introduce a clause limiting his interference to cases where it was necessary "for the preservation of good manners, decorum, and of the public peace." But Lord Wharncliffe objected on the ground that the Act was not designed to limit, but to extend, the Lord Chamberlain's jurisdiction. Finally, on the recommendation of the Lord Chancellor, the limiting clause was allowed to go down in a

form that left the discretion practically as unlimited as before. He was given power to prohibit the performance of any play "whenever *in the opinion of the Lord Chamberlain* it was necessary for the preservation of good manners and decorum, or of the public peace."

History of Censorship practically ends with Walpole's Act.

The history of Censorship practically ends with its entry upon the statutes in 1737. Thence to the appointment two years ago of the Lord Chamberlain's Advisory Committee no practical step has been taken to modify the system introduced by Walpole. The character and dealings of the various gentlemen who as the Lord Chamberlain's examiners have advised him from that day to this in the licensing of plays are brightly described by Mr William Archer in an essay on Censorship in the volume, published in 1886 by Mr Fisher Unwin, entitled "About the Theatre." Mr Archer's short history of the Censors illustrates the hopeless confusion which has resulted from the exercise of an arbitrary authority unlimited by a sense of responsibility and unfettered by custom or law. In the years immediately succeeding the Act of Walpole politics were naturally watched more closely than religion or morals, so that Brooke's "Gustavus Vasa" was prohibited in 1739 because "there was a good deal in it about liberty." At a later period of mid-Victorian propriety the

correct and amiable Mr Donne would suffer no oaths, no mocking of the State, and, above all, no mention of God.

Three Committees of the House of Commons, prior to the Joint Select Committee of 1909, have looked into the Censorship of plays since 1737; but this part of their enquiry was in each case only incidental to the main business, which was the licensing of buildings. The Committee of 1853 reported that the Censorship had not been vexatiously exercised; that it had worked well and should be maintained. The Committee of 1866 reported that the Censorship had worked satisfactorily and should not be discontinued. The Committee of 1892 came to the same comfortable conclusion.

Three Committees prior to the Joint Select Committee of 1909.

II. The Law of Censorship.

The Lord Chamberlain, under the Theatres Act of 1843, has a hold upon all theatres within his jurisdiction in three distinct ways: (1) He licenses theatres; (2) he licenses plays performed in theatres; (3) he has power, in special circumstances, summarily to close theatres.

The Lord Chamberlain's threefold authority.

(1) Under the Theatres Act the performance of stage-plays is prohibited except in authorised places. In the cities of London and West-

(1) The Lord Chamberlain licenses theatres.

minster; in the areas which in 1843 were the boroughs of Finsbury, Marylebone, Tower Hamlets, Lambeth, and Southwark; and in the town of Windsor and other places of royal residence, the power to license a building for the performance of stage-plays is with the Lord Chamberlain. The power of the Lord Chamberlain over the licence of a theatre is absolute, and is, of course, the basis of his authority. It is his weapon of Censorship. If a manager persisted in staging a play which the Lord Chamberlain had refused to pass, the licence of the theatre would be forfeited. This is clear under section 14 of the Act of 1843, which virtually provides that, if the Lord Chamberlain thinks it fitting "for the preservation of good manners, decorum, or of the public peace" that a play should be forbidden, the manager must take off the play or forfeit the licence of his theatre. The Lord Chamberlain's authority over the theatres of his jurisdiction, taken with his authority over plays, is a double-barrelled gun.

(2) The Lord Chamberlain licenses plays.

For not only the building, but the play, must be licensed. Here the extent of the Lord Chamberlain's jurisdiction is unlimited. Every play, wherever acted in Great Britain, must be read and passed by the Lord Chamberlain's Examiner, and be performed subject to his

approval. His authority over plays is of two kinds. First, every play must receive a licence. This is the Censorship proper—determined by section 12 of the Act: "One copy of every new stage-play and of every new act, scene, or part thereof, or new prologue or epilogue, or part thereof, intended to be produced and acted for hire in any theatre in Great Britain, shall be sent to the Lord Chamberlain seven days at least before the acting or presenting thereof, with an account of the theatre where, and the time when, the same is intended to be first acted or presented, signed by the master and manager of such theatre; during the seven days it shall not be acted, and in case the Lord Chamberlain at any time disallows the play, or any part thereof, it shall not be lawful to act or present the same contrary to such disallowance." Second, the Lord Chamberlain may prohibit the acting of any play, or any part of a play, even if he has previously licensed it, "anywhere in Great Britain, or in such theatres as he shall specify, either absolutely or for such time as he shall think fit." The unlimited extent of the Lord Chamberlain's jurisdiction over plays must be kept clearly in mind. He does not license theatres in Birmingham or Manchester, but he licenses every play, or may prohibit its performance, both within his theatre jurisdiction and without.

(3) The Lord Chamberlain has power to shut up a licensed theatre.

The Lord Chamberlain's power to close a theatre summarily on account of riot or misbehaviour, or on "such public occasions as to the Lord Chamberlain shall seem fit," is distinct from his power to prohibit the performance of a play or to refuse it a licence. This portion of the Lord Chamberlain's authority is, in fact, utterly different in kind from Censorship, in that it is definite and ascertainable. As Mr Byrne pointed out before the Joint Select Committee: "It is noticeable that the Lord Chamberlain's power of closing theatres substantially only exists in a case of riot or misbehaviour; it does not enable him to close a theatre on other grounds, such as a breach of the condition of licence, arrangements undesirable in the interests of public safety, and so on, but only on the ground of riot or misbehaviour, which the law officers have advised only includes things *ejusdem generis*; that every misbehaviour which would justify the closing of a theatre must be misbehaviour something of the nature of a riot." The Lord Chamberlain's power of summarily closing a theatre would, in fact, be limited to the rare occasions when, as in Dublin on the presentation of Synge's "The Playboy of the Western World," or as in Paris when the Camelots du Roi objected with heart and soul to M. Henri

Bernstein, there was actual disorder. Power to act definitely in definite circumstances is entirely different from power to act arbitrarily on private opinion and prejudice.

So far we have heard nothing of the Censor. "Censor," of course, is not a recognised or official designation. It is a pet name sometimes given, correctly, to the Lord Chamberlain, who alone in this business has an official status. But when people talk of the Censor, they are usually thinking of the clerk (at present there are two) who reads plays for the Lord Chamberlain and receives the Lord Chamberlain's fees. This person is recognised under the Act of 1843 in section 13: "And the said period of seven days shall not begin to run in any case until the said fee shall have been paid to the Lord Chamberlain *or to some officer deputed by him to receive the same.*" Such is the sole statutory authority for the activities of an official who on the part of the Lord Chamberlain exercises absolute power to license plays according to his own private fancy (as a public officer he never seems to have any opinion that can be ascertained) of what is fit for the public to hear and see. As to the status of this individual, the evidence of Mr Speaker may on this point be anticipated. "It seems to me," said Mr Speaker at question 4,815 of the Report, "that attention has been directed

But who is the Censor?

rather too much to the Examiner of Plays, and the attack is focussed rather upon him than upon the Lord Chamberlain. It appears to me that the Lord Chamberlain is the person really responsible, and the Examiner of Plays is no more than a clerk in his office who advises him. The Lord Chamberlain is the person to whom the public look ; he is the responsible individual, a member of His Majesty's Government in receipt of a considerable, though I daresay inadequate, salary, and a man of affairs. He is the man who really ought to make himself responsible. I do not say he does so, but he ought not to shelter himself in any way behind the Examiner. The Examiner is nothing but an assistant—a clerk in his office—who does the drudgery for him, and should advise him." This, of course, is entirely correct, but in practice, as we shall see, the examining clerk, the nature of whose work and scale of remuneration make it impossible that he should be a man of very exalted attainments—a man, moreover, who is not required to answer any test of merit or service —puts the seal of the Lord Chamberlain's approval upon hundreds of plays which no other person officially sees, and, except in very exceptional circumstances, runs the whole Department at his pleasure. The office of Examiner has been continuously filled since the days of

Walpole. On the passing of the Act of 1737 the Lord Chamberlain swore the gentleman in, though not required by the Act to do so; and the gentleman has remained in ever since.

Theatres outside the Lord Chamberlain's jurisdiction.

So far we have dealt with the provisions of the Theatres Act only as it touches the powers of the Lord Chamberlain over plays and playhouses. Before approaching the problem of Censorship argumentatively we must be clear as to the position of theatres which the Lord Chamberlain does not license. Under the Theatres Act buildings outside the Lord Chamberlain's area of jurisdiction could be licensed for the performance of stage-plays by the Justices of the Peace in special session. This power was transferred in 1888 by a Local Government Act to the County Councils in England and Wales; but the County Councils may, if they choose, delegate it back to the Justices in Petty Sessions, or to Borough Councils within their area. The power possessed by the Lord Chamberlain summarily to close theatres within his own area on account of riot in all other places belongs to the Justices. As we have seen, the Lord Chamberlain licenses all plays; the local authorities have no function in this respect. Whether a play be performed in a theatre licensed by the Lord Chamberlain, or in a theatre licensed by the Birmingham County

Council, it must be passed by the Lord Chamberlain, and the Lord Chamberlain has the power to prohibit its performance licensed or unlicensed.

The difference between a theatre and a music hall.

We must also be clear as to the position of music halls, and as to the legal difference between a music hall and a theatre. The Theatres Act of 1843 does not touch music halls, and the Lord Chamberlain has nothing to do with them This is where the position begins to be a little complicated. A theatre is a building licensed under the Theatres Act of 1843 for the performance of stage-plays. A music hall is a building licensed under statutes based upon the Disorderly Houses Act of 1751 for music and dancing. The principle of music hall legislation is that any house kept for public dancing and music should either be licensed by some public authority or be deemed a disorderly house. The power to license buildings for music and dancing is to-day in the hands of local authorities—*e.g.*, in a county the County Council, the Town Council in a county borough. Now it is obvious that the same building may be a theatre and a music hall in one. Suppose the building to be outside the Lord Chamberlain's theatre jurisdiction—say, in Birmingham—it might be licensed by the Birmingham County Council for stage-plays, and it might also be licensed by the same authority for dancing and music.

If the building happened to be within the Lord Chamberlain's area, like the Palace Theatre or the Tivoli, it might be licensed for plays by the Lord Chamberlain, and for dancing and music by the London County Council. A building in this position enjoys what may conveniently be termed a double licence. The double licence has long been familiar to the provinces and suburbs of London, but until the beginning of the present year the Lord Chamberlain stubbornly refused to license plays or sketches for performance in a London music hall. This refusal led to a grotesque and impossible situation. Seeing that the double licence was withheld, the manager — say, of the Palace Theatre—was unable lawfully to present stage-plays. He therefore presented them unlawfully; and the Lord Chamberlain carefully omitted to notice it. The real difficulty was that any manager of a genuine play-house who thought that the Palace Theatre, or the "Blue Moon," was drawing people away from his own superior establishment could bring an action against the variety manager for presenting stage-plays without a licence. The manager of the "Green Cheese" might say to the manager of the "Blue Moon": "The Lord Chamberlain refuses to give you a licence for stage-plays; you are not a theatre, and cannot possibly

become one till the Lord Chamberlain changes his mind; your presenting these short plays and sketches, which are very popular, is drawing the public away from 'legitimate' drama; besides it is illegal, and you should not break the law." To which the answer inevitably is: "Certainly it is illegal, but it pays; moreover, it cannot help being illegal so long as the Lord Chamberlain hardens his heart; these plays will on no account be withdrawn; you can prosecute, if you like, and the fine will be paid; but you will have to begin all over again next week." Obviously it was a deadlock, and the theatre managers had to make a concordat with the music halls that they would not prosecute so long as the unlawful plays were of a certain specified length and contained not more than six characters. This agreement, grandiloquently termed a concordat, was to a certain extent justified by the recommendations of the Select Committee of 1892, which advised that the law should be altered to enable music halls lawfully to present the sketches or short plays which they were in the habit of presenting unlawfully. But nothing was done by way of legislation, and there was never any public sanction for this private agreement of the managers to defeat the law. The agreement, of course, did not end the trouble. The concordat was

never strictly observed, and the absurdities of the situation went on increasing till the Lord Chamberlain changed his mind in January last, and, following the wise example of the London County Council and the local provincial authorities, consented to license stage-plays for performance in theatres of variety.

The Censorship of music halls.

The Lord Chamberlain, as we have seen, has nothing to do with music halls. His Censorship of stage-plays does not apply to a music hall unless he has also recognised it as a theatre. Nevertheless there has always been a Censorship of music halls. Throughout these pages the word "Censorship" is intended to include any form of arbitrary control undetermined and unchecked by law over any sort of theatrical entertainment. We have already seen that music halls are licensed by the local authority. These licences come up for renewal every year, and it is in the discretion of the licensing authority to refuse to renew them. This means that the licence of a music hall is imperilled if the manager in the previous twelve months has disregarded any advice or warning of the local body as to the character of his programme. The discretion of the local authority is absolute. They may refuse a licence, or attach to it what conditions they please. It is necessary to emphasise this point, as one of the best-known

law-books on the subject (Geary) wrongly states that the discretion of the authorities in granting licences is purely ministerial. It is true that the London County Council cannot immediately withdraw the licence of a music hall on the knowledge that it is about to stage something it considers improper. But on next licensing day the manager can be called to account, and the renewal of his licence be refused. Moreover, it is obvious that a threat of refusal in the future can be used to extort immediate obedience in the present. In the provinces, of course, this Censorship of the local authority touches theatres as well as music halls. There is nothing in law to prevent the County or Borough Council calling to book the manager of a provincial theatre who has staged a play to which it objects. But in practice this never occurs. It is assumed that what the Lord Chamberlain has approved must necessarily be entirely decent and proper. Such power of the local authority, unregulated by law or tradition, is Censorship as definitely as the power of the Lord Chamberlain. We shall see later on that it is dread of any active Censorship of stage-plays by local authorities that has driven actor-managers into a defence of the Censorship of the Lord Chamberlain. They are reasonably afraid that if plays are sent into the provinces without first receiving the Lord Chamberlain's

licence, the local authorities will no longer assume that every play which comes from London is necessarily a virtuous play. They fear an extension of local Censorship, which, as we shall see, has shown itself neither more nor less lawless, and, in the strict sense of the word, unprincipled, than the Censorship of the Lord Chamberlain. The managers are so far right in that to abolish the Censorship of the Lord Chamberlain and substitute for it the Censorship of a local body would be an extremely wrong-headed concession to the ridiculous modern habit of attempting to decide delicate and difficult questions by counting heads. This would be merely a change of method ; it would not touch the main question as to whether Censorship is in itself a desirable or defensible institution.

The Lord Chamberlain's Advisory Board.

The Lord Chamberlain's Advisory Board—of which we shall hear from more than one witness—has no legal position or authority. It is a committee, appointed on the Lord Chamberlain's initiative, to advise him in matters of doubt and difficulty. The Lord Chamberlain is bound neither to ask nor to accept its recommendations. It seems to have been devised by Lord Althrop in order to give the public a false idea that authors whose work was considered by the Examiner to be " immoral or otherwise improper for the stage " were being fairly treated and given every chance of survival.

CHAPTER II

THE IMPERTURBABLE DEPARTMENT

The insolence of office.

When Mr Speaker appeared before the Joint Select Committee it was natural and right that he should be received with great respect. He came to give evidence as to the degree of control that may be exercised by the House of Commons over the Lord Chamberlain, and obviously his word on a matter of this kind was the final word of an expert. It was also becoming that, when Mr Speaker had been invited by the Chairman to give the Committee his views on the Censorship (not *ex cathedra*, but "as a representative man of the world"), he should be listened to with the deference due to any distinguished person talking off his guard, and among friends, on a subject of which he knows little or nothing. It was again becoming that Mr Robert Harcourt should in these circumstances temper the wind of cross-examination, and that the Chairman should terminate the evidence of Mr Speaker at the precise moment when he was getting into difficulties. So far no fault can reasonably be

found with Mr Speaker, or with the Committee that examined him. At the same time it is impossible for any one who takes art and letters seriously to read the official or departmental evidence given before the Committee by Mr Byrne, C.B., the Right Honourable the Speaker, Colonel Sir Douglas Dawson, K.C.V.O., C.M.G., or Mr George Alexander Redford, without becoming bitterly conscious of its extreme offensiveness. Repeatedly we find ourselves face to face with the British official view of art, which regards it as something to be inspected and weighed like a municipal statue. The irresponsibility, smugness, impertinence, self-conceit, puzzle-headedness, and entire irrelevance which characterised the bulk of the official evidence would not be tolerated in any person or committee or assembly in the world if it were dealing with any other subject than art or letters. No amount or length of decorous public service seems of the least avail to save the person who is not artistically a specialist from ignoring all the rights and decencies of public discussion as soon as he approaches a question of art. "It has been suggested to us," said Mr Herbert Samuel to Mr Speaker at question 4,819 of the Report, "that the Censorship causes serious injury to the growth of a fine drama in England by stopping the liberty of playwrights to deal

with certain problems of life which are of grave importance to every one. Do you consider that is so?" Observe that this question is plainly directed towards the drama of Mr Shaw and Mr Barker, serious writers upon morality and art, not towards the west-end drama of Aphrodite. Mr Speaker answers: "I should think it was very doubtful. I should think that any healthy-minded author with a wholesome plot would have no difficulty in writing a good drama, if he is capable of writing a good drama at all. He is not obliged to go to these very unhealthy and disgusting subjects, as many of them do, and seem to revel in them. I think a good many plays have been very demoralising in their tendency." It would be scarcely fair to gibbet these remarks for their innocence of any truth or relevance as to the state of drama in England to-day. Mr Speaker offered them by invitation of the Chairman, and spoke frankly as a man outside his province without authority. He even had to confess in another connection that he had not even read the plays of which he was speaking. We have no more right to make fun of Mr Speaker's opinions about drama than a Joint Select Committee on Party Politics would have the right to make fun of Mr Bernard Shaw if they invited him to come and give evidence before them as an expert Socialist, and then

proceeded to question him "as a representative man of the world" on the minutiae of Unionist Organisation in the Provinces. It would be rather an absurd thing for the Committee to do; and Mr Bernard Shaw, as a cautious and sober citizen, would in the circumstances feel bound to express himself with care and moderation upon a subject of which his ignorance is probably complete. His would be exactly the position in which Mr Speaker found himself before the Joint Select Committee on Censorship. The strange thing is that Mr Speaker did not feel any necessity for care or moderation. Because he was asked to talk about art, he unconsciously assumed, what every official witness before the Committee assumed, and what nine Englishmen out of every ten assume every day, not only that "as a representative man of the world" his evidence was as valuable as the evidence of any other man, but that the ordinary rules and courtesies of public discussion were no longer required. Were a Member of the House of Commons to make an insinuation as to the political conduct of any other Member in the vein of Mr Speaker's remarks about healthy-minded authors and disgusting subjects, he would immediately be called to order from the chair.

Mr Speaker on art.

Few would accuse Mr Speaker of a deliberate intention to be offensive. He was merely an

unguarded witness speaking in accordance with the British national view of art. Asked at question 4,851 whether some means might not be found of bringing Censorship within the view of the House of Commons, he answered with unintentional insolence: "I think we have already got so much work in the House of Commons to do of a serious and important character that I am not particularly partial to bringing in a great deal of additional labour which is perhaps of a showy and flashy kind." Elsewhere he speaks of the possibility of a clerk at the Home Office being "told off to read plays and sort them out." Twenty years ago this might have been regarded as the studied contempt of a cultivated man for a barbarous and uneducated theatre, and to-day the attitude would be entirely commendable in any one who based his view of modern dramatic literature upon a frequenting of successful plays in the west of London. But no one can read Mr Speaker's evidence as a whole and see it in that light. The Joint Select Committee was got together to discover if some remedy might not be found for a state of things under which a serious artistic movement in dramatic literature finds itself hampered and thwarted. "A plague on all your movements!" says the evidence of Mr Speaker; "art and so forth is the recreation

of a tired man; it is the business of artists to be wholesome, but lively; we must take good care they do not interfere with work in the House of Commons of a serious and important character; above all, we must think of our wives and our daughters."

Mr Speaker and Mr Shaw.

"Most of the objectors to the Censor," said Lord Plymouth at question 4,841, "have been authors. We have had Professor Gilbert Murray, Mr J. M. Barrie, Mr Galsworthy, as well as Mr Bernard Shaw and Mr Granville Barker; so that they have been authors of various kinds. Should you say that they have no real ground of grievance against the Censorship?" "I suppose they think they have a grievance," says Mr Speaker, "or they would not be here; but, of course, I have not seen the plays that have been forbidden, and therefore it is very difficult to judge whether they have a grievance or not. In some cases possibly they may have; in others they may not." The main logical implications of this amazing passage are three. First, all artists are children; frequently they do not know what is good for them. They say that the Censor is bad for them. We representative men of the world may know better. Second, many artists are not only children, but naughty children. Naughty children think they have a grievance when their elders

forbid them to eat peas with a knife. Let us read these plays—say, of Mr Shaw—and see whether any of Mr Shaw's characters eat peas with a knife. If any of them do, the position is clear. Mr Shaw no more has a grievance than any other little vulgar boy; though, of course, like any other little vulgar boy, he thinks he has. Third, I am a representative man of the world. Therefore I know all about art and morals. Give me these plays of the artists who think they have a grievance. Plain Mr Speaker will give you a view—not, of course, *ex cathedra*, but as good as another.

The official view of art.

We begin to realise why national memorials and statuary are purchased by the hundredweight, and why Shelley and Lord Byron lived in Italy. An artist who lives in Britain is between two perils. Either he will be frightened into the academies and destroyed with a knighthood, or he will be driven into outlawry and spoiled with a pose. The evidence of Mr Speaker may explain to a future chronicler of the twentieth century much that would otherwise puzzle him in the history of modern British art. It would explain the Albert Memorial, the Royal Academy, Mr Alfred Austin, and Ruskin *v.* Whistler. It would also explain Lord Byron, Oscar Wilde, and Mr Bernard Shaw. Official art becomes conventional art of the good boy;

whereas art that matters is always in danger of being self-consciously a crusade against the academics. It is almost impossible for a British artist to find himself naturally. Sooner or later he is driven to pretend either that he is more conventionally virtuous than nature intended him to be, or that he is more conventionally wicked.

Mr Byrne is pleased with himself.

We will turn now to the evidence of Mr Byrne, C.B. Mr Byrne appeared for the Home Department to give evidence on the law and constitution of Censorship. Incidentally he made it clear that the Home Department was entirely pleased with itself so far as plays were concerned. The Lord Chamberlain's control was beneficent and effectual; no serious difficulty had ever arisen; no one of any account had ever suggested that the position could be improved. In the person of Mr Byrne the Department buried its head in the sand and affirmed in a glow of self-satisfaction that it was unable to see anything that was not as perfect and smooth as a bladder of lard. Mr Byrne continually takes refuge from any piece of cross-examination that would reduce an ordinary modest private individual to a confession that perhaps after all the administration of his office was not always wholly without blemish in blind reassertion of opinion that as an official he is infallible. Thus Mr

Herbert Samuel at question 90 of the Report put Mr Byrne a question which speedily reduced him to absurdity. Mr Byrne had asserted that the powers of the police would be inadequate to deal with abuses of the stage if the Censorship of Plays were abolished. Thereupon Mr Samuel asked him: "In what respect are the present powers of the police inadequate?" And Mr Byrne explains: "*Because they are always* ex post facto; *that is to say, the injury is done, the discreditable exhibition has taken place.* The fact of prosecution by the police necessarily adds to publicity, and these are matters in which a large bulk of the people in the country take, and very properly take, a very great interest. The prosecution of a theatre for indecent performance, or any other form of misbehaviour, or offensively ridiculing Statesmen or other public persons, or for libelling or treating private individuals in such a way as would be likely to give rise to a breach of the peace, would make the country ring with it, the newspapers would be full of it, it would be discussed widely, and, *in the opinion of the Home Office, a large amount of harm would necessarily be done before the legal remedy could be made effective.*"

Mr Harcourt fails to spoil Mr Byrne's self-satisfaction.

So far Mr Byrne is entitled to his argument for what it is worth. But Mr Robert Harcourt sees an opportunity, and enters the discussion.

He puts it to Mr Byrne that "such cases have arisen already, of course, and that is what leads you to say so. Cases of impersonation have arisen on the stage, like the Sultan of Turkey being ridiculed?" Mr Byrne admits that it is so, and Mr Robert Harcourt follows up the admission with an obvious deduction at the expense of Mr Byrne and his Department. "That is to say," said Mr Harcourt, "the Lord Chamberlain's office is not a protection against the risk of undesirable things taking place?" Now from any one but an official appearing on behalf of a Department one would expect either a frank admission that the system for which he stood was imperfect, or an argumentative counter-thrust to meet Mr Harcourt's palpable hit. Mr Byrne answered in the perfect official manner. His omniscience gave way as soon as the shortcomings of his Department were touched upon. He entrenched himself firmly behind an official colleague who was not there, and reaffirmed his opinion that everything was entirely as it should be. Here is the perfect model of an official answer: "Whether or not," said Mr Byrne, "the Lord Chamberlain, from insufficient staff or otherwise, has ever failed to carry out his high functions, I am scarcely prepared to say; but full evidence on that subject will be given by Sir Douglas Dawson.

But, *as a matter of fact, it is considered in the Home Office that the objects which every one would desire to see attained in these matters are substantially satisfactorily attained at the present moment.*"

Mr Byrne insists that his Department is above criticism.

It is unfortunately impossible to conclude that these are merely the words of a nervous witness driven to bay who has temporarily lost control of his faculties, for Mr Byrne repeats this sort of thing mechanically. "Can you suggest any definite form of remedy for anything that at present exists," asked Lord Gorell at question 127. To which Mr Byrne replies: "*I have said, and I have been instructed by the Home Office to say, that on the whole they think the practical effects of the existing methods are good*, and that theatres and music halls alike are maintained, and certainly might always be maintained, in a creditable condition under the existing systems." Similarly, at question 174, Mr Byrne answers Mr Harcourt as to the powers of the local authorities: "No, I do not think that any change should be introduced into the existing law, except where experience shows that substantial difficulty arises. *No such difficulty has ever arisen*, and therefore I think that the law should be left alone."

Colonel Sir Douglas Dawson also is pleased with himself.

Mr Byrne, for all that is known to the contrary, is in private life a modest and reasonable man. His evidence was not the evidence of an in-

dividual, but of a Department. He was careful to make this distinction himself when the Committee began to question him about Ireland. "Any knowledge I have about Ireland," he prefaced, "is personal, not official." We meet the Department again in Colonel Sir Douglas Dawson—imperturbable, always correct, assuming that everything is as it should be on the strength of arguments which, if used by a private individual, would be disowned even by members of his own persuasion. It would be time wasted to take seriously any of the purely Departmental arguments for a retention of the Censorship. They were repeated and more ably set forth by Mr Fladgate and the managers. The Department is in no way remarkable except for the stolid and unapproachable self-satisfaction of its tone and the unconscious superiority of its attitude towards art and artists. Colonel Sir Douglas Dawson's satisfaction with things as they are is as complete as Mr Byrne's. He tells Mr Herbert Samuel at question 1,534: "the idea with which the Lord Chamberlain formed the Advisory Board was more with the view of giving confidence to the public than from any feeling that the system did not work well"; and in a previous paragraph we find the Department doting upon itself in a statement that "from the statistics handed in showing plays

licensed and plays refused in recent years, it will be admitted that the system works well and satisfactorily."

A further illustration of the Departmental view of authors.

Colonel Sir Douglas Dawson in his proper person cannot be justly taxed with the offensiveness and imbecility of his official suggestion that no difficulty would exist as to Censorship if authors were reasonable and practical creatures. It is a common Departmental view of human grievances that they are as good as abolished so soon as every one agrees to overlook them. The official remedy for most difficulties is to get the parties into a room, and induce them to pool their convictions for the sake of peace. Suppose an author has written a play, and on account of certain passages the Lord Chamberlain refuses to license it. What could be simpler than to call the author into conference? In the words of Colonel Sir Douglas Dawson: "If any alterations appear necessary to the Censor, the manager can, if he and the author choose, smooth over the difficulties privately with the Examiner beforehand." If it were any use arguing with a Department, one would have to point out (1) that the author might not be ready to admit that the passages objected to in his play were indecent; (2) that the author might look upon his play as a work of art not susceptible of improvement by any chance

"representative man of the world." The Department would dimly appreciate the first argument because Departments have frequently in the past had difficulties with troublesome people whose convictions were not for sale, but it would not understand the second argument at all. Colonel Sir Douglas Dawson continues the Departmental vein of thought by suggesting that, if the author were not prepared to admit that he was foul-minded and unfit to approach the public until he had been purified in the Censor's office (Colonel Sir Douglas Dawson does not put it quite in these words), the negotiations would break down, and "no one need be any the wiser." If difficulties cannot be "smoothed over," they can at least be ignored.

The importance of the Lord Chamberlain's Examiner.

We are now ready to hear Mr George Alexander Redford, the Lord Chamberlain's late Examiner of Plays. He is easily the most important person with whom we have in this enquiry to deal. It is true that when we allude to the Lord Chamberlain's Examiner of Plays as Censor, we are talking of some one who, like the Board of Trade, does not exist. None the less, he reads and passes every play that is presented on the stage anywhere in Great Britain, and wields a power over the reputation and property of dramatic authors more absolute than any which remains to-day in the hands of any individual.

Mr Redford is not a person but an office.

It will be necessary to tax Mr Redford as a public official in hard, definite terms with policy and conduct entirely mischievous and unfortunate. But Mr Redford must on no account be read as a personal designation. It was Mr Redford's misfortune to appear before a Joint Select Committee which put the Censorship of stage-plays bluntly upon its trial. Herein Mr Redford is not a person, but an institution. Of Mr Redford personally it is impossible to collect any but the most amiable opinions, but with Mr Redford personally this essay has nothing to do. Before the Joint Select Committee Mr Redford is typically the Censor, chosen from his predecessors and successors merely because he happened to be in office when the Censorship of stage-plays was last prominently exhibited to the public view. When, for example, we discover that the Censor is ignorant as to the exact nature of his official duties, it is not because the Censor is Mr Redford, but because every Censor is ignorant as to the exact nature of his official duties—and needs must be, so long as the institution survives. It is the more necessary to make this preliminary distinction, because in feeling and tone—in the qualities, that is, which may be distinguished as personal to the witness from those which are determined by his office—Mr Redford's

evidence is delightfully in contrast with much that has been said and written on his behalf. His evidence, as we shall see, is occasionally quite ridiculous, but no Censor, were he as wise as Solomon and as harmless as "Punch," could avoid being ridiculous in the Censor's place.

The normal practice of the Censor's office.

As we have seen, every play intended for production on the British stage must be sent into the Lord Chamberlain's office for licence. The Examiner reads it, and, if he has no fault to find with it, returns it to the manager licensed for performance. Notice that in this case he consults no one. The Lord Chamberlain does not see it. The Advisory Board, appointed to advise the Lord Chamberlain in difficult cases, does not see it. The Examiner's opinion as to what is decent and proper to be presented to the public is final. The importance of this is obvious when we remember that it is a formidable count in an indictment of the Censor's practice that the plays he licenses are frequently unfit for production. Between Mr Redford's accession to office and the year of his evidence before the Committee he licensed some 7,000 plays. The effect of his licence was virtually to exempt these plays from prosecution by the police. Legally, of course, they were open to the law; but in practice the Examiner's certificate was regarded as an affidavit of decency. Exempting

managers from any feeling of responsibility as to the character of their performances, the existence of a cheap mechanical insurance against prosecution has tended to make them careless.

"The Giddy Goat."

The notorious history of "The Giddy Goat" shows up very clearly this aspect of Censorship. "The Giddy Goat" was a play passed by the Censor. It was presented to the public with the Lord Chamberlain's approval (as affixed by his Examiner), and was, accordingly, assumed by the manager who submitted it and the public who visited it to be free of offence. People at any rate imagined that a play licensed by the Censor was immune from the charge of being flatly pornographic. It happened that a dramatic critic thought otherwise. He described it as a "pornographic play" and as an "enormity," and he expressed a whole-hearted "disgust for such stuff." The author brought an action for libel, and Mr Justice Ridley, charging the jury from the bench, insisted that they "were not bound by what the Licensing Authority did. It was not for them to criticise the Licensing Authority, but neither could the Licensing Authority complain if a play he had passed was found on representation to be improper." Mr Justice Ridley ended by expressing his emphatic surprise at the Lord Chamberlain.

The result of the action was that the office of Examiner was censured by Mr Justice Ridley, and that the author was censured by the jury, for he only got a farthing damages. What made matters worse for the Examiner was that the manager who produced the play, when he received it back from the Censor duly approved and licensed, was himself rather shocked when he came to read it more carefully. He took out some of the worst passages, in spite of the Examiner's having approved and passed them; so that the action for libel was brought, not on what the Censor had passed, but on a play which the manager himself had subsequently purified.

The practice of the Censor's office when a play is suspected.

When the Examiner is in doubt as to whether a play should pass, there begin those negotiations with the manager and the author, the delightful informality and good nature of which Mr Redford has so pleasantly described. This is the "smoothing over" as to which, if it fails, "no one need be any the wiser." It seems that this part of the Censor's practice is inherited from the days of Mr Pigott. Mr Pigott gave the Committee of 1892 a touching account of how a play was brought to him, and he said: "Take it back and see whether you cannot improve it." "They came back the other day," said Mr Pigott, "after having written to

thank me for the objections I had raised; they said that the piece was greatly better after the changes." Unfortunately the modern dramatic author is rather a more difficult person to deal with. Somehow it does not seem so natural for a manager like Mr Granville Barker to return in chastened gratitude to the Examiner of Plays "after having written to thank him for the objections he had raised." Indeed, when Mr Granville Barker received an invitation to negotiate for the excision of certain passages from Mr Phillpotts' "The Secret Woman," he rudely refused to be smoothed over, and determined that everybody should be the wiser. Mr Barker and Mr Phillpotts forewent all chance of profit, and a throng of Mr Phillpotts' literary colleagues took over Mr Barker's theatre and let in the public free to six private performances of the censored play. They simply refused to admit that the play was improper for presentation, or that the Lord Chamberlain was a fit person to suggest improvements upon the author's text.

The Censor's private dealings.

It is precisely this Departmental device of smoothing over privately beforehand which so deeply offends an author's self-respect. Mr Whelen, who, as Chairman of the Incorporated Stage Society, had more direct dealings with the Lord Chamberlain's Examiner than any of the

witnesses who appeared before the Joint Select Committee, gathered from his experience that the Censor, whenever it was possible, was invariably happy to avoid the responsibilities of his office. "It is, as you are aware," Mr Whelen told Lord Plymouth at question 2,366 of the Report, "the practice of the Censor to write letters to managers and to those connected with theatres, and to mark them 'private.' He thinks it desirable, I understand, to give the manager the opportunity, and to give the author the opportunity, of not receiving the stigma of not having a play licensed, but that seems to me to be in a sense a shirking of responsibility on the part of the Censor, and I personally very much resent it. He, being a public official, I think, ought to deal with authors and managers in an entirely public capacity." It is characteristic of the Censor's office that in the face of these surreptitious negotiations for withdrawal, whereby a play is in effect censored without ever being officially submitted for licence, Mr Redford actually presented the Joint Select Committee with his official statistics as to the number of plays officially licensed and officially refused, using them as an argument that the Censorship had had but a slightly injurious effect on the drama, without once warning his Examiners that the

figures did not allow for plays unofficially withdrawn.

The Lord Chamberlain's decision is final.

When the negotiations have broken down between the Examiner and the candidates for his approval, the Lord Chamberlain and his Comptroller are called into council. How far the Lord Chamberlain allows himself to be drawn into the business is impossible of discovery. He held splendidly aloof from the Joint Select Committee, delegating his evidence to the Comptroller, Sir Douglas Dawson, as head of the Department. It is, however, the Lord Chamberlain's duty to attend personally to all cases in which the Examiner finds himself at a deadlock with his clients. The Lord Chamberlain has, as we have already noted, an Advisory Board, consisting of a lawyer, two actor-managers, a playwright, and the Comptroller *ex officio*, to advise him. But the Board is, presumably, only entitled to advise where its advice is asked. It has no statutory authority of any kind, and the Lord Chamberlain's decision is final. This Board was set up, as Sir Douglas Dawson explains at question 1,681, "to strengthen the position of the Censor." How it strengthens the position of the Censor is hard to see. The Censorship is supposed to exist for the purpose of preventing objectionable plays from getting on to the stage. The Board could only strengthen the

Censorship if it read all plays passed by the Examiner, and refused to pass any that failed to reach the standard of its greater strength. But the Board never sees the plays that are passed. It only sees the plays which the Lord Chamberlain and his Examiner are hesitating to license. It gives the doubtful plays another chance to get through. So far as it has any influence at all the Board does not strengthen, it weakens the Censorship — happily in favour of authors who have nothing to fear from the police and everything to fear from the mistakes of the Examiner.

What are the safeguards?

The Examiner, then, is supreme and unbridled in determining what plays are fit to be seen by the public, and it is purely on his personal recommendation that other plays are stigmatised as unfit to be seen, and set apart for further consideration by the Comptroller, the Lord Chamberlain, and the Advisory Board. It would therefore seem reasonable (1) that the Examiner should be appointed with extreme caution; (2) that he should consider himself bound by some definite principle in selecting plays either inherited from his predecessor or acquired in practice. These safeguards would be considered necessary in a country frankly bureaucratic. They are a minimum charter of a European citizen against dishonesty and incapacity in the Civil Service.

The Censor's qualifications.

Mr Redford shall himself explain his qualifications for the appointment. Mr Robert Harcourt is cross-examining :—

380. You hold a position of naturally exceptional delicacy and responsibility. Is there any form of examination before appointment as Examiner of Plays ?—None that I know of.

381. No inquiry ?—No.

382. No inquiry as to scholastic or University career, or the like ?—The Lord Chamberlain of the day no doubt satisfied himself as to my competence, if that is what you mean.

383. I am only regarding the practice. In the case of the appointment of an assistant master of a school, for instance, he requires to hold certain degrees, and so on. That is not the practice of the Lord Chamberlain's Office ? —Mr Pigott was the editor of a newspaper, and the previous Examiner of Plays was the secretary of a library.

384. You mention the literary form of qualification. Were you engaged in literary pursuits previous to your appointment ?—I dabbled a little in such things.

385. But in specifically literary pursuits. Had you written any books or been engaged in journalism ?—This all seems apart from the question, but, if you wish to know, I have written several plays—if there is any point in

it. The plays have not been performed, and, therefore, there does not seem to be any point in it.

386. What was your actual occupation previously ?—I was a bank manager.

The question now arises—Why was this particular bank manager chosen for the post instead of another ? Let Mr Redford explain :— The Censor is a friend of his predecessor.

Mr Robert Harcourt.

388. I understand that you were for some years assistant to Mr Pigott, and acted on some occasions as his deputy ?—Quite unofficially, as a friend. I never received any payment for it, if that is what you mean.

389. Is there anything in the statute which empowered Mr Pigott to delegate those functions to you ?—That I do not know ; he certainly did it.

390. You were not aware whether he had any statutory power to do it or not ?—No. I have never delegated my duties myself.

391. Was there any rule or regulation at the Lord Chamberlain's Office which empowered him to delegate those duties ?—I imagine that he consulted the Lord Chamberlain, but I really cannot tell. He went away for a few weeks, and during that time I, more or less, looked

after his business. That is the long and short of it.

396. When acting as deputy did you veto any play ?—No.

397. You did not ?—No. I should not have been able to do so, as far as that goes.

398. But you acted as his deputy ?—Deputy is rather an excessive word. As a very old friend he asked me to look after these things while he was away in Heligoland, and I did so.

399. To what extent did you look after these things. Did you pass or veto the plays ?—I read the plays, and, if there had been anything of the slightest consequence, I should no doubt have gone to the Lord Chamberlain of the day and consulted him about it. As a fact, there were no doubtful cases at all.

400. In the case of plays which were plays which, in your opinion, were sufficiently moral to put on the stage, and which were put on the stage, you did not refer to Mr Pigott. Otherwise there would have been no delegation ?—Mr Pigott was in Heligoland, if I remember rightly. You are apparently speaking of one occasion when I took his place.

401. Therefore you, as a mere private friend of the Examiner of Plays, without any appointment or sanction, so far as you can tell us, exercised those powers during his absence, and

permitted the public to see such plays as, in your judgment, were fit for them to see, but which had not previously been subjected to any formal authority ?—Quite unofficially, and as a friend.

402. Does that strike you as an entirely reasonable state of things ?—I offer no opinion about it. At that time Mr Pigott had confidence in me and asked me to do it.

Thus, Mr Pigott, who was the Lord Chamberlain's Examiner up to 1895, had a "very old friend," Mr Redford; and Mr Pigott went for a holiday to Heligoland. Though he had no power to delegate his functions—a very definite and important power which no public official can honourably assume without public sanction—he left Mr Redford in charge. It would be wearisome to ask what were Mr Pigott's qualifications either to act as Examiner of Plays or to choose his successor. The point is that Mr Redford, from being his "very old friend," an habitué of the office, and a man in whom he "had confidence"—a man, moreover, who had "more or less looked after his business" while he was away in Heligoland—stepped easily and naturally into office, without respect to Mr Redford's qualifications as compared with those of any other candidate who might have been tempted to occupy a ridiculous position for £400 a-year with perquisites.

The Censor's instructions.

Mr Redford, bank manager, being suddenly put into a position of "naturally exceptional delicacy and responsibility" for which no definite chapter of his private career—always except when Mr Pigott was in Heligoland—seems to have obviously qualified him, it would only be reasonable to expect that he should be given very definite instructions in writing or otherwise as to the extent and nature of his functions. At question 436 Lord Gorell asked Mr Redford: "Supposing a new Censor or a new Examiner of Plays were appointed at this moment, would he receive any definite instructions in writing, or in any way, as to how he should exercise his office." To which Mr Redford answered: "Judging from my own experience, he would not." "Is there nothing in writing," continued Lord Gorell, "to indicate the way in which the Examiner should exercise his powers?" "I am not aware of anything," said Mr Redford.

The wording of the Licence and the wording of the Act.

The Examiner in licensing a play affirms that it "does not in its general tendency contain anything immoral or otherwise improper for the stage." The section of the Theatres Act of 1843, which establishes the Censorship of plays, empowers the Lord Chamberlain to refuse to license a play "whenever he shall be of opinion that it is fitting for the preservation of good

manners, decorum, or the public peace." As we saw in reviewing the history of Censorship, these words were allowed to go into the Act because in the view of Lord Wharncliffe they did not in any way limit the general discretion given to the Lord Chamberlain by the Act of Walpole. These vague clauses of the Act and of the licence are all the Examiner has to guide him in an interpretation of his functions.

Principles and precedents.

It is obvious, therefore, that he must depend entirely upon custom and precedent. Mr Redford confesses this at the outset. His identity having been established, there immediately followed the ensuing short passage between Mr Herbert Samuel and the witness :—

194. On what principles do you proceed in licensing the plays that come before you ?—*Simply bringing to bear an official point of view and keeping up a standard. It is really impossible to define what the principle may be. There are no principles that can be defined. I follow precedent.* I was under Mr Pigott for a great many years—that is to say, as a personal friend—and I obtained an insight into the duties then.

195. You act yourself, then, mainly on custom and on precedent ?—Yes.

196. And follow the principles that have been established in the past by successive Lord Chamberlains ?—Yes.

What are these "principles" and "precedents"? Briefly and bluntly, the principles "established in the past by successive Lord Chamberlains" do not exist, and the precedents are contradictory.

Flat contradiction.

Taking the first example that offers, Mr Redford in the first five minutes of his examination committed himself as follows:—

Mr Herbert Samuel.

205. I presume that the personal opinion of the Examiner on the merit or demerit of a play does not enter into the question?—Not at all. I am not a critic.

206. You do not read a play as though you were a dramatic critic?—No. I have to possess a certain amount of dramatic insight or I could not understand the play. No one could understand the play who had not dramatic insight.

Now Colonel Sir Douglas Dawson at question 1,530 informed the Committee at a later stage that the Censor "in judging the case of a play as to which there is doubt naturally takes into consideration the literary and artistic merit of the play, and has instructed the Examiner, having special regard to this point, to use every effort to smooth over difficulties in such cases." Colonel Sir Douglas Dawson flatly contradicts

his subordinate. The reason is obvious. No one in the Lord Chamberlain's office knows whether the Examiner should read as a critic or as a Government inspector. But Sir Douglas Dawson and the Lord Chamberlain are naturally anxious to avoid the scandal of ignorantly refusing to license plays of merit and importance, like "Monna Vanna" or "Blanco Posmet." So they ask the Examiner as far as possible to avoid falling foul of the literary public, which, though it is not very influential in a worldly way, is nevertheless keen-witted and articulate. "Pass these plays of M. Maetterlinck and Mr Shaw, if you can bring yourself to do so. For heaven's sake keep these fellows as far as possible quiet and friendly." Such, in effect, is the position of the Lord Chamberlain's Comptroller. But Mr Redford is unhappily situated. He is not so deaf to the age as not to know that from the critical point of view his behaviour has in its effect upon the theatre been wholly mischievous and lamentable. Therefore he is quite naturally eager to disclaim any critical responsibility such as Sir Douglas Dawson would thrust upon him. He is altogether uncertain whether it is actually his official duty to distinguish on artistic merits between "Charley's Aunt" and "The Cenci," but he is quite certain that he would rather not be expected to do so. Repeatedly, almost with

passion, he denies that he has any business with literary or dramatic criticism.

The things that crop up.

Mr Redford in giving evidence more than once made use of an expression particularly eloquent of the historical conduct of his office. "Every year almost," said Mr Redford at question 199, "things *crop up* that are dealt with on the stage in various ways. In fact," continued Mr Redford plaintively, "there is absolutely no limit to the number of subjects that may be dealt with by the stage. There is a tendency rather to enlarge the view." Mr Redford felt, no doubt, that he had accepted his burden in an evil hour. Life, he seems to say, was simple in the days of Mr Pigott. Things did not "almost every year crop up." Obviously, if you have no principles to guide you, and no custom or precedent on which to base your practice, it is extremely disconcerting when Mr Bernard Shaw "crops up" with a serious dramatic treatment of procuration, or when Mr Granville Barker "crops up" with a play depicting the tragical consequences of adultery. An office which itself cropped up because Henry Fielding and the dramatic satirists of the eighteenth century cropped up naturally feels upon its metal when Mr Bernard Shaw and satirists of a hitherto unprecedented kind very determinedly crop up in the nineteenth century,

and make it extremely obvious that the theatre resolutely intends to crop up during the next twenty years as it has never cropped up before since Lord Chesterfield foretold the degradation which would follow Walpole.

Immoral or otherwise improper.

What was Mr Redford to do? Confronted with a vigorous attack upon conventional morality, he was personally shocked and genuinely anxious to meet the situation as a representative man of the world. But the position was complicated. The subject of nine-tenths of the lighter comedies produced in the west of London is adultery. Adultery as a subject of respectable drama is sacro-sanct. Sexual vice, so long as it is represented as an affair of champagne and oysters, and as ending inevitably in a perfunctory glorification of good women, obviously is not held to be "immoral or otherwise improper for the stage." Mr Redford does not explain why the light-hearted treatment of a vicious theme is in practice invariably held by the Lord Chamberlain to be inoffensive, whereas the same theme treated by a Puritan moralist becomes unfit for public consideration. We will therefore turn back to the evidence of Mr Pigott in 1892. Mr Pigott, being of a more cynical turn than Mr Redford, and living in a more fortunate period for Censors, is readier to face the truth.

The stage ethics of adultery.

"It may confidently be assumed," said Mr Pigott in 1892, "that the mistakes of an Examiner of Plays in this country will always be in the direction of extreme indulgence, for the simple reason that if the reins were tightened they would snap in his hands." The precise implication of this passage is that the Censor would never dare to come between the public and what the public wants. The Censor stands conspicuously to be shot at from every side. Nevertheless, so long as he does not offend the popular managers and the mass of the public for whom the popular managers provide, he is in a fairly strong position. He can count on the whole-hearted support of a powerful vested interest, which can claim with more or less truth that public opinion, as measured at the box office, is behind it. If the Censor were once to lose the support of the west-end managers, he would inevitably be abolished. Mr Pigott was clear-headed enough to perceive this, and frank enough to acknowledge it. Moreover, he knew perfectly well why the managers supported him. They were able to obtain from him almost mechanically, and for a small fee, a practical insurance of every play they submitted against prosecution for indecency. The value of this insurance varied directly as the popularity and as the risk of objection. If a play were

very popular and very objectionable—the contradiction between being very popular and being very objectionable is apparent, but not real—the insurance would be the more worth having. Plays in which there was a frivolous or sentimental treatment of adultery and loose living being extremely popular, and often unspeakably objectionable to people who approach the theatre intelligently, it is obvious that the Censor, if he wishes to retain the managers in his defence, will in approaching this sort of drama be extremely careful that his mistakes shall be "in the direction of extreme indulgence." As Mr Pigott honestly phrased it, "if the reins were tightened they would snap in his hands." This is the Censor's one discoverable principle of conduct. In Mr Pigott it was an admitted policy. In Mr Redford it seems to have acted more as a blind instinct of self-preservation.

Prostitution a privileged subject.

The stage ethics of adultery being that sexual vice is not immoral or otherwise improper for the theatre, so long as facts and consequences are never squarely faced, and so long as the treatment is frivolous and furtive, it will be realised that Mr Redford was in rather a delicate position when Mr Bernard Shaw cropped up with "Mrs Warren's Profession." Prostitution was a licensed subject. Mr Redford could not possibly object to Mr Bernard Shaw taking it

as a theme. Nevertheless the play was banned. Obviously, as the subject was privileged, Mr Redford must have objected to the treatment.

"Mrs Warren's Profession."

Mr Shaw's treatment of a serious social problem in "Mrs Warren's Profession" is in one respect like Mr Barker's treatment of the tragic story of Trebel in "Waste." Both plays are seriously written, and the subject is in both cases unconventionally handled. "Mrs Warren's Profession" is frankly an attack upon the morality which permits a virtuous and wealthy citizen to feel superior to a harlot for whose profession he is inextricably responsible. The virtuous and wealthy citizen is invited by Mr Shaw to consider the economies of prostitution before assuming that the women he marries are necessarily of entirely a different order of being from the women he does not. This is one of the least immoral aspects of a play which in a thousand ways is calculated to shock inexpressibly the class of playgoer who would be as uncomfortable in a morality that was not ready-made as he would be in a suit of clothes that was. In a more subtle way "Waste" is as immoral, in the sense of being as unconventional and as unaccepted, as "Mrs Warren's Profession." Also it is as serious. The question arises: Did Mr Redford in refusing to license these particular plays regard himself

as entrusted by society to defend the accepted code, and to forbid the performance of every play which could be termed immoral or non-customary? Did he regard it as his duty to defend his countrymen from the unscrupulous efforts of a social reformer to make them think, and therefore to ban every play in which a moral problem was approached in a spirit which questioned the finality of accepted standards? When the Censor, on the one hand, licenses plays where adultery is glorified and where the oldest profession in the world is directly and indirectly encouraged, and on the other hand refuses to license plays where adultery is honestly shown to be always unpleasant, frequently dishonourable, invariably sordid, and in some cases bitterly tragic in its consequences—is it his guiding principle that as a representative man of the world he should protect the public from being made to feel uneasy in its habits and its conscience? Does he, moreover, regard it as tenfold his duty, when a dramatist not only questions the stage ethics of adultery, but proceeds to attack the social bases of sexual offence, to save the public from men who conscientiously try to disturb their most cherished assumptions, and compel them to reconsider the mechanical impulses of their everyday morality and conduct?

The Censor as state moralist.

Questions as to the motives of the Lord Chamberlain and his Examiner may indefinitely be piled one upon another. The answer is invariable. There is no fixed or ascertainable principle of licensing. It would be all to the good if it were possible to assume definitely that the Censor would automatically refuse to license a serious treatment of a social or religious subject that questioned views accepted by the majority of playgoers. Dramatic authors who differed on these topics from Brown and Smith would know that such subjects were barred, and Mr Granville Barker—to give an example—would not have wasted twelve months of his time in writing a tragedy in order that it might solemnly be buried at a private performance. But no one can possibly tell in advance what the Examiner will do. It would be natural to infer from the fate of "Mrs Warren's Profession" that, since prostitution was in itself a licensed subject, the play was censored (1) because the treatment was seriously truthful; (2) because the underlying assumptions of the author ran counter to accepted morality. But neither of these deductions can safely be made. "Getting Married" and "A Doll's House" may be publicly presented in London with the Lord Chamberlain's approval whenever a manager cares to do so. If the Lord Chamberlain

consistently acted on the assumption that every play should be refused which contained a serious and unconventional treatment of the sex problem, these plays would no more be suffered than "Mrs Warren's Profession." But the Censor is no clearer about his responsibilities as a state moralist than about his duties as a literary critic.

Mr Harcourt puts the question.

Mr Robert Harcourt put the question in an inverted form at question 430: "You do not," he asked, "have any general opinion or guiding rule of conduct that a play which deals seriously and thoughtfully with a moral question, even if the conclusions arrived at are not entirely the conclusions that you would arrive at, is less harmful than a play which, without any positive indecency, rather glorifies loose-living and holds up irregular intercourse as a thing which might be indulged without any actually bad consequences, such as a light farcical comedy? You do not think that some of these plays which have been abused on the ground that they deal with serious subjects are less harmful than some of the lighter comedies?" To which Mr Redford replied: "It seems to me that this is touching on the question of being a critic. I have no critical view on plays at all. I simply have to maintain a standard."

Serious moral plays fair game for the Censor.

Mr Redford evades the question. As he says elsewhere, every play is considered "on its merits." What those "merits" may be, since Mr Redford refused either a critical or a moral responsibility as Censor of Plays, was not discovered by the Joint Select Committee. At the same time it is true that serious moral plays have a better chance of being condemned than farces from the Palais Royal. To begin with, the Censor has at present little fear of the reins snapping in his hands on account of his refusal to license a play like "Mrs Warren's Profession"; so that, though he does not regard himself as intelligently responsible for thwarting the attempt of dramatic authors to use the stage as a means of disturbing accepted views, yet when as a representative man of the world he lights upon a play in which the accepted views are questioned, he is not only able himself to indulge in the luxury of feeling shocked, but he is unrestrained by any fear of consequences from gratifying the natural resentment of a decent citizen against the meddlesome and restless fellows who are for ever trying to goad them into the difficult and uncomfortable business of thinking for themselves. Mr Redford never formulated a principle; but his habit of approaching each play on its merits as a representative man of the world would act to the advantage

of frivolous and to the detriment of serious plays in two ways. First, the frivolous treatment of adultery would rarely be unconventional; the man who preaches a sermon is not likely to trifle with the text. Second, the frivolous treatment of adultery is necessarily, when intended for a British audience, suggestive. It cannot face the facts. Make the position real by faithful or vivid portraiture, by direct or simple speaking, by one touch of imaginative truth, and a merely frivolous treatment is impossible. That is what the Censor meant when he told Sir Herbert Tree, when Sir Herbert wanted to produce a certain French play, that "if it could be made more comic it would pass." He did not mean comic, for comic truth is often more terrible than truth tragically delivered. By comic he meant "frivolous." The worst plays produced in the west of London are French comedies which have been bowdlerised for British consumption, and they are the safest of all plays from the Censor. Few French plays as originally written have the furtive suggestiveness of the British adaptation. The touch of honest comedy that makes the whole world French has been expunged or slurred in order that the Censor may not notice that the ethics of stage adultery are defied, and that a British audience may laugh at the innuendo

whose implication, if honestly accepted, would appal them.

The rough rule for dramatic authors.

The rough rule for dramatic authors, then, is that, though the Censor has no guiding principle in dealing with plays from a moral point of view, and though the Censor regards himself neither as guardian of the accepted code, nor the hireling of a state vigilance society, yet it is dangerous for them to deal with stories or questions of sex in a truthful or serious fashion. Deal with the subject in an artificial, frivolous, and suggestive fashion, and the Censor will pass almost anything — partly because, from sheer force of habit, he is off his guard; partly because the public wants it; partly because there is nothing to arrest or disturb his attention; partly because he goes a great deal to the theatre (the bemusing effect of which can only be estimated by a professional critic); partly because he is a representative man of the world; partly because he is afraid, whether he knows it or not, of being abolished; partly because he would object, like all good fellows, to being thought a Puritan; partly because the British root idea as to decency, in the theatre or out of it, is wholly contained in the formula that drapery is always decent, and that absence of drapery, actually or figuratively, is always indecent. But deal with the subject seriously,

and you run a palpable risk of seeing your property destroyed—partly because the serious treatment of a subject, being unusual, wakes the Censor up and at once puts him on his mettle; partly because the public does not greatly care whether a serious play is licensed or not; partly because the Censor, as a representative man of the world, is shocked and disturbed; partly because the serious and truthful treatment of any subject does not permit the author to slur facts, or to omit any means of making them live to the imagination of his audience; partly because of as many reasons as would easily prolong this sentence to the end of the chapter.

The Censor must not be awakened.

It seems absurd to speak of an official who could license "The Giddy Goat" or "Dear Old Charlie" as being shocked by anything. Nevertheless there is no doubt whatever that the Censor refused to license "Mrs Warren's Profession," not as an intelligently moral conservative, but simply as an English gentleman profoundly shocked by what he read. He had read hundreds of plays not unlike "The Giddy Goat." He was used to that sort of play. It did not disturb him. He could read it morally asleep, and license it without once lapsing into consciousness. But "Mrs Warren's Profession," or "Monna Vanna," or "The Secret Woman"

or "The Breaking-Point," were different. They honestly shocked the Censor. He could not bring himself to talk of them freely to the Committee. Here is a passage from the Report in which Mr Redford is shown blushing upon the brink of the unmentionable:—

Mr Hugh Law.

504. Do you remember a play called "The Breaking-Point," by Edward Garnett? — Yes.

505. Did you intimate to Mr Frederick Harrison, of the Haymarket, that you preferred he should not submit it to you for licence?— The play was refused.

506. Was it submitted for licence?—Certainly.

507. In that case the effect of it was that it was not publicly performed?—Yes.

508. Was the effect of its not being publicly performed that the value of Mr Garnett's play, the property in the play, was destroyed?—That is a question that I should have nothing to do with.

509. I ask you whether it was the fact?—I should think that there was no property in it, if you really ask me.

510. It was, as a matter of fact, published in book form?—Yes.

511. It was not suppressed by the police? —No.

512. Was it afterwards privately performed as a matter of fact?—Yes.

513. It did not provoke any riot in the theatre?—No riot.

514. Nor was any grave objection taken to it in the press?—I should say that very grave objection was taken to it.

515. In the press?—Yes; it was almost universally condemned, I should say.

Mr Robert Harcourt.

516. Condemned as improper, or that it was entirely dull?—Do you know it?

517. Yes, I know it; and the criticism that I saw of it in the press was that it was rather dull. *You know the one special scene that was objected to?—I cannot mention it here.*

Mr Hugh Law.

518. *You will spare our blushes.*

A further illustration of the rough rule.

Another passage of the Report explains why Mr Redford licensed "The Devil" and refused to license "Monna Vanna." He was shocked by "Monna Vanna," but he successfully avoided being shocked by "The Devil." Again there

is no discoverable principle of conduct—only the general rough rule that, other things being equal, the better the work, the more likely it is to startle the Censor into a discovery of its impropriety. Here is the passage about "Monna Vanna." Where Mr Redford has been reduced to absolute silence, the fact is indicated in the margin. Further comment is unnecessary:—

Mr Hugh Law.

491. Can you give me any idea as to the principle or rules or precedents on which you acted in refusing a licence to the play "Monna Vanna"?—Really that play has been so extensively discussed that it seems almost unnecessary. If you really wish it, I can go into it.

492. I do not want to go into any detail. Perhaps you can tell me generally on what principle you acted?—On the principle of the plot, the immorality of the plot.

493. Not on any particular line?—It will be a long business if I go into it. I could tell you the whole plot, of course.

494. Thank you; I have read the play.—I did not mean to imply that you had not.

495. You say that you considered the general plot of the play immoral?—The plot of a woman—I am going into the plot now. Yes, the whole

plot of the play, to my mind, was not proper for the stage; it does not come under the words which I think are in the licence itself, "proper for the stage." I may say that our decision was almost universally upheld.

496. Is it not a fact, without going into the details of the play, that in that case the lady leaves the camp not only unharmed, but unharmed because the hero is represented as being very much in love with her; and is not, in fact, the whole idea of the play that love is not only not identical with but the enemy of lust? Do you call that immoral?—I certainly call the play immoral, from the point of view of the Examiner of Plays, at any rate.

Mr Robert Harcourt.

497. "The Devil" was not immoral from the same point of view. It was noticed in the press, in fact nearly every newspaper in the kingdom said that one of the most immoral incidents in "The Devil" was almost identical with one of the incidents in "Monna Vanna"; and yet you considered that "The Devil" was not immoral and "Monna Vanna" was?—I should say that there was not the smallest analogy between the two plays. The one is a

literary work and the other is a flamboyant, lurid piece of stage business.

498. The literary work is censured and the flamboyant piece of stage business is passed. Is that your condition?

[No answer.]

Mr Hugh Law.

499. Is that the principle on which you act?—No; it certainly is not.

Mr. Robert Harcourt.] What is the principle on which you acted? That is what we want to arrive at.

[No answer.]

The Censor's formula on its merits.

There is yet another case that very fully repays examination. "Monna Vanna" and "The Devil" are obviously a pair. So are "The Christian," by Mr Hall Caine, and "Mrs Warren's Profession," by Mr Bernard Shaw. Mr Redford licensed "The Christian," wherein procuration and prostitution are dealt with in the good-natured puzzle-headed fashion in which the ordinary British citizen invariably thinks and speaks of such subjects. Mr Redford, in fact, found nothing in "The Christian" that personally shocked him. But as soon as he began upon "Mrs Warren's Profession" he found himself compelled by a particularly able and remorseless social analyst to think about

what he was reading, and to wonder whether the public would not be shocked by the obviously immoral outlook of the author. Apropos of these two plays occurs one of the most instructive passages in the Report :—

Mr Hugh Law.

521. Is it a rule of your office, taking those plays that I have mentioned, comparing "Mrs Warren's Profession" and "The Christian," for instance, that a procuress must not be introduced on the stage, or that prostitution is not to be treated of? — I should say that those would certainly be two subjects that would be against a play being licensed.

522. Then why did you license "The Christian"?—*I do not at this time recollect even the plot of "The Christian."*

523. Will you take it from me that that play did treat of those subjects?—Yes, if you say so; I have no recollection of it.

524. I am not saying whether it is right or wrong, but I am trying to arrive at the principle on which you act: whether you refuse a play, let us say, when the subject is treated seriously and with deliberate purpose, and you consider it proper to grant a licence when the subject is either treated in a light-comedy fashion or in a

sentimental fashion ?—Every case is gone into and judged on its merits.

525. You do not rely, in dealing with that question of morality, on any general principle, but you judge each play on what you conceive to be its merits ?—Yes.

Mr Redford's answer at question 522 is quite perfectly true in a sense that he never intended. Why did you license "The Christian" ? It was precisely because he did not at the time of answering "recollect even the plot." The matter and manner of the play ran so perfectly in the rut of common opinion and thought, and was so obviously tuned to echo the language and view of the average respectable person, that Mr Redford licensed it without misgiving, and immediately forgot all about it. Mr Redford admits he has no principle. "Every case is gone into on its merits." But it is a serious point for dramatic authors that, while every play is gone into on its merits, it is also true that the merits of a play like "Mrs Warren's Profession" are likely to ensure its damnation, and that the merits of a play like "The Christian" are sufficiently negligible to get it safely through.

The Censor baffles the Committee as to his religious duties.

The Censor, though he is an official of no principle as to morality, is yet of a roughly ascertainable habit. But his conduct as to

religion utterly baffles investigation. It baffled the Committee; and however closely one reads between the lines, it must continue to baffle any one not privy to the Censor's mind. When it was intimated to the Censor that Mr Forbes Robertson wished to produce Sudermann's "Johannis," his decision was conveyed to Mr Robertson in terms of the following letter:—

DEAR SIR,—I have no power, as Examiner of Plays, to make any exception to the rule that Scriptural plays, or plays founded on, or adapted from, the Scriptures, are *ineligible for licence* in Great Britain. It would appear from your letter that your play would come under this rule, and I may say for myself that I am glad to be relieved of the difficult and delicate duty of deciding on the fitness of treatment in each particular case.

This is admirably explicit; and when first the Committee began to examine Mr Redford on this portion of his duties, he seemed absolutely sure of his ground. He was quite determined that all religious plays must be refused, and he had ready a definition of religious plays to which he sturdily adhered.

Mr Herbert Samuel.

222. . . . With regard to the occasions on which you intervene, Scriptural plays, I under-

stand, are regarded as ineligible for licence?—Yes; I do not even read them. If they are obviously Scriptural, I point out the fact, and the play goes back to the person who submitted it.

Mr Robert Harcourt.

223. What is the definition of religious plays? —I always say that it is anything pointedly adapted from or taken from the Scriptures.

224. Containing Scriptural characters? — Pointedly adapted from or taken from the Scriptures is the form which I generally use myself in giving a definition.

Colonel Lockwood.

225. A wholesale adaptation of a subject from the Bible, you mean? — Anything pointedly adapted from or taken from the Scriptures—the Bible, say.

Mr Redford is inexpugnable. "Anything pointedly adapted from or taken from the Scriptures," or—as a concession to Colonel Lockwood—"the Bible, say," must automatically be refused. The Censor will not even read it.

A remarkable opinion as to "Everyman."

At this point Mr Alfred Mason remembered "Everyman." But Mr Redford could explain "Everyman." It seems that he regarded

"Everyman" as "very much under the same head as the plays of Shakespeare." It was not legally necessary for him to license it, because it could be assumed that a Master of the Revels had approved it some time in the past. Moreover, Mr Redford did not consider "Everyman" to be a Scriptural play. Indeed at a later stage of his evidence he emphatically differed on this point from Mr Hugh Law, refusing to "recollect that that play introduces on the stage God Almighty Himself, who speaks." This, it seems, is a matter of opinion. But since Mr Redford does not consider "Everyman" as a Scriptural play—pleading, moreover, that "being discovered in the muniment chest at Ely or at one of the cathedrals," it did not, in any event, stand in need of his licence—it will be better worth while to take the cases of "Eager Heart" and "Samson and Delilah."

A modification of the Censor's rule.

Mr Redford does not dispute the definition of "Eager Heart" as a religious play. Nevertheless the play was licensed and performed. How does the Censor explain the admitted violation of his invariable rule? Here is the pertinent passage.

Lord Willoughby de Broke.

293. You spoke just now of religious plays. Was there not a play called "Eager Heart"

produced ?—*Yes. It is a very simple little imitation of a miracle play by Miss Buckton,* if I remember rightly.

294. Is it modern ?—It is a sort of modern imitation of the old miracle play. It was done at one of the Inns of Court.

295. You consider that a perfectly legitimate performance ?—Yes, I do, especially under the circumstances under which it was done. *It was done at Christmas.*

The rule, it seems, must be modified. A religious play is not permitted except when it is a "very simple little imitation of a miracle play by Miss Buckton," and when it is "done at Christmas."

Samson breaks his bands.

Then what are we to make of "Samson and Delilah"? Mr Redford admits of "Samson and Delilah" that it "might be said to be Scriptural." But "Samson and Delilah"—not at all like "a very simple little imitation of a miracle play by Miss Buckton"—was licensed; whereas Mr Laurence Housman's "Bethlehem," which we would have thought might very well have been allowed to slip through under the modified rule which admitted "Eager Heart," was refused.

What was Mr Redford's guiding principle in allowing performances of "Everyman," "Eager Heart," and "Samson and Delilah," at the same

time refusing to allow performances of the Ober Ammergau Passion Play, "Bethlehem," and "Johannis"? The Committee made one heroic effort to obtain the principle from Mr Redford, and afterwards agreed to despair. The following passage of the Report, being the least confusing portion of Mr Redford's evidence on the subject, is here set down more as a challenge to the reader than with any hope that he will actually deduce from it anything satisfactorily conclusive. He is hardly likely to succeed where the Committee so conspicuously failed:—

Mr Hugh Law.

526. Now, I am going to ask you a few questions as to the principles which guide you in dealing with what are commonly called religious plays. *Is it a rule of your office that Scriptural plays or plays adapted from Scripture are ineligible for licence in Great Britain?—That has always been the custom and the precedent.*

527. That is the rule?—Yes.

528. You state that specifically?—Yes.

529. Can you tell me by whom that rule was made?—No, I cannot.

530. Or when it was made?—No; it was in existence before my time.

531. Has it ever been clearly laid down for

the information of authors ?—It is very generally understood in the theatrical profession.

532. But you cannot point to anything which definitely lays it down ?—No, I cannot.

533. Do you recollect a play being submitted to you by Mr Laurence Housman called "Bethlehem" ?—Yes.

534. And you consider that the Christmas story was not proper for representation on the stage ?—It was not a question of propriety at all ; it traversed the custom.

Mr Robert Harcourt.

535. It is not a question of the merits of the play ; it is directly contrary to custom to allow any play containing Scriptural characters ?—That is so.

Mr Hugh Law.] Any play containing Scriptural characters.

Colonel Lockwood.

536. Do you want to qualify that answer ?—*It has happened, of course, that we have recently stretched the line in the case of "Samson and Delilah," which might be said to be Scriptural, but it has been the most popular opera of the season, and thousands of people have seen it.* I

should think that stretching of the line was a very good one. I recommended it ten years ago.

Mr Robert Harcourt.

537. So that we may take it that you are in favour of a much wider latitude being given to Scriptural plays than is allowed by the terms of your office ?—Personally and individually, I am ; but I have no right to exercise my personal feelings.

538. It is most interesting to have your view. "Samson and Delilah," of course, had been prohibited for a very long time previously ?—Yes.

539. And the managers of the opera were desirous of producing it ?—That is eight years ago.

540. But they were precluded by the rules of the Lord Chamberlain's Office at that time ?—Yes.

541. Those rules have since been abrogated or modified in some detail ?—Yes.

Mr Hugh Law.

542. In addition to the case of "Samson and Delilah," which you have licensed, *the rule has also been stretched fairly recently in relation to a*

little play called "Eager Heart"?—"Eager Heart" was such a slight little thing, which was done at Christmas time, and is an imitation of the miracle play. I think I answered a question as to that yesterday; it is a little imitation of the miracle play by Miss Buckton, which was done at one of the Inns—Gray's Inn, I think.

543. Would it be right to ask you upon what principle you differentiated between "Bethlehem" and "Eager Heart," both of which introduce very much the same characters?—As I said just now, every case must be judged on its merits, and every case is looked at from its merits.

Mr Alfred Mason.

544. I should like you to elaborate what you mean by "its merits"?—That is a bad term, perhaps; I mean, on what it contains.

545. We are rather trying to get at what is the guiding principle.

[No answer.]

Mr Hugh Law.

546. Let us take "Bethlehem" first. "Bethlehem" introduces the chief characters, undoubtedly, of the Christmas story. Is it not a fact that "Eager Heart" also introduces upon the stage Our Lady, St Joseph, and the

Holy Child ?—I cannot say that I remember anything of that kind ; but if that is so, it is perfectly inoffensive, at any rate.

547. Certainly ; it is perfectly inoffensive. Do you suggest that Mr Housman's play was offensive ?—No. There was an interval of eight or nine years between " Bethlehem " and " Eager Heart."

548. And in that time your mind had developed ?—My mind, if you are speaking of my individual mind, was probably always the same.

549. I do not intend, of course, to say anything offensive. Shall I say that you felt that the times have changed ?—It has always been my effort to take the broadest and most liberal view of every subject that comes before me, speaking individually.

550. You are bound by the rules of your office, of course ?—And custom and precedent ; the unwritten law, you may call it.

551. What is the unwritten law ; that is what we want to get at. We find on the face of it that in the case of two plays, which are very similar in contents and even in treatment, the one is refused and the other is accepted. I merely want to get at how you differentiated, and on what principle you acted in your differentiation ?—I can only say that I considered

both those cases and advised the Lord Chamberlain on both of them.

Mr Redford leaves his critics to straighten out the tangle for themselves. All his evidence amounts to is that (1) it is directly contrary to custom to stage a religious play; (2) that the line was stretched in the case of "Eager Heart" because it was "such a slight little thing," and in the case of "Samson and Delilah" because it was "the most popular opera of the season."

The Censorship an experiment in Anarchy.

Three important questions as to the conduct of Censorship have now been discussed. We find (1) that the Censor differs from his superior officers as to whether he is bound to consider a play on its literary merits; (2) that the Censor has no guiding principle in dealing with moral questions (he is not sure, for example, whether he is the official protector of State morality acting on the assumption of whatever is, is right; or an authority on public decency as a policeman understands it; or a mechanically stimulated licensing machine motor-driven from the box office); (3) that in dealing with religious plays he administers an invariable rule which unaccountably varies. We are, in fact, almost ripe to understand the position of Mr Bernard Shaw, who, as we shall see later on, started his evidence before the Committee by objecting to the Censor on the ground that he (Mr Shaw)

was not an Anarchist. It is not possible within the limits of a single chapter to exhaust the indictment; but one or two counts of importance have yet to be noticed.

Some more of the Censor's principles.

Mr Redford in the course of his evidence was at one time clear upon two separate heads—(1) that he must on no account license a play which contains offensive personalities or representations of living persons; (2) that old plays, like the plays of Shakespeare or Sheridan, need not be presented to him for licence. Here, it seemed, we had found a limit to the uncertainty and confusion of the Censor's office. The law was fixed and could be ascertained.

Offensive personalities.

Let us see whether the law be really fixed, and whether, if it be fixed, it is consistently observed. Take, for instance, the regulation as to "offensive personalities." We have seen that Censorship was made statutory to save Walpole and the politicians of his time from dramatic satirists who took politics for a theme. It is only natural, therefore, that in speaking of personalities Mr Redford is thinking mainly of allusions to political characters of the day. Persons other than politicians are, however, included by way of courtesy. The wording of the licence on which Mr Redford bases a definite view of his duties in this respect is "no offensive personalities or representation of living persons."

"Affecting any living public character?" asked Mr Robert Harcourt at question 202. "Is there," he continued, "any limitation? Is it confined to sovereigns or statesmen?" "No," replied Mr Redford, "I do not think it is confined to them. It happens sometimes that there are references, with which I have not thought it necessary to interfere, when simply a name is mentioned in a pantomime, for instance, or when Mr Gladstone is mentioned as the 'Grand Old Man,' or anything of the sort; but with regard to anything really personal or offensive, that is a different matter. The wording of the licence is 'offensive personalities.' It may be anybody."

The Censor defines his position.

In another passage Mr Redford adds to his position as follows:—

Mr Herbert Samuel.

259. Why are political allusions in pantomimes considered objectionable?—The stage is not a political arena, and it is not desirable that specially important political questions, perhaps involving diplomatic relations with Foreign Powers, should be touched upon. That is the practice of the office.

260. And that always has been so?—Always.

. . . . . .

265. May it not be a healthy thing sometimes for politicians to be satirised on the stage?—Personally I do not think so.

266. You would use your influence to protect them?—Yes; both sides.

267. I presume that it would not be permitted for any political personage to be represented on the stage?—That is distinctly forbidden by the endorsement on every licence. *There is a little paragraph on the back of every licence saying that no representation of living persons or make-up is permitted.*

Mr Robert Harcourt.

268. Has that representation never taken place?—There is the celebrated case of the "Happy Land." It was done then.

Mr Herbert Samuel.

269. I remember not long ago seeing a play in which one of the characters was very effectively made up as Mr Bernard Shaw. Was that sanctioned by the Censor?—I could not possibly tell that Mr Shaw was going to be made up on the stage. No doubt the text did not represent the character as Mr Shaw.

Mr Herbert Samuel.

270. "Punch and Super Punch" was the name of the piece?—There was nothing to guide me.

Mr Robert Harcourt.

271. You can only judge by the text. You have no other opportunity of knowing?—I am a constant theatre-goer, and I almost always see the play represented.

The implication of this passage is that no make-up to represent living persons should be allowed by the Examiner to take the stage. It is not a question as to whether the make-up is offensive or not. Mr Redford's answer at question 267 definitely implies that the representation of any political personage is distinctly forbidden by the endorsement of the licence—that, at least, is how he interprets it.

Colonel Sir Douglas Dawson contradicts it in principle.

But, alas! Colonel Sir Douglas Dawson restores confusion precisely at the point where Mr Redford has cleared it up. Colonel Sir Douglas Dawson, at question 1532, says it is not intended by the licence to forbid *all* representations of living persons, but only *offensive* representations. Moreover, the rule is "elastic."

Mr Herbert Samuel.

1,531. With regard to objectionable personali-

ties, what is the rule; is it forbidden for an actor to appear made up to represent a living personage?—I should say that the rule is elastic. The rule was brought in at the time, I believe, when the "Happy Land" was produced at the Court Theatre, and certain prominent politicians were represented in fantastic garbs and postures; from that moment this rule existed.

1,532. I notice in the form of licence of a theatre that one of the rules is: "No offensive personalities or representations of living persons is permitted on the stage." Does the epithet "offensive" qualify representations of living persons, or does it only qualify the word "personalities." Does the rule mean, no offensive personalities or offensive representations; or does it mean, no offensive personalities—or representations of any kind of living persons?—*I should say offensive personalities; not personalities of any kind, but offensive personalities.*

1,533. Offensive representations of living persons?—Offensive representations of living persons. I purposely used the word "objectionable" in connection with personalities for that reason.

The Censor contradicts it in practice.

Colonel Sir Douglas Dawson flatly contradicts Mr Redford in principle, and the Examiner flatly contradicts himself in practice. The "Happy Land" we will pass, since Colonel Sir

Douglas Dawson says that the "Happy Land" happened before the principle was laid down. "Punch and Super Punch" we will pass, because Mr Redford was not aware of what he did. But there is the case of "The Orchid." "I think you said," queried Mr Alfred Mason at question 317, "that it was not permissible to introduce political personages on the stage?" To which Mr Redford replied: "'No make-up to represent living persons' is the wording." The evidence continues:

Mr Alfred Mason.

318. Did you ever see a play called "The Orchid"?—In all probability. It was at the Gaiety, if I remember rightly.

319. Yes?—I expect I did.

320. I do not say that the play was in any sort of way offensive, but the principal character in the play from first to last was a well-known politician who was made up as one of the most famous statesmen living in England, and, if you remember, the play ended with his marrying his typewriter. When that play came before you for its licence, do you remember whether you realised that this was a great political personage?—No, certainly I did not. I did not see any great political personage in it.

321. You do not remember seeing the play ?—No, I cannot say that I do remember it; but I remember its being played.

Mr Robert Harcourt.

322. The character in question was generally recognised as Mr Joseph Chamberlain, but you had no official knowledge of that ?—Certainly I had no official knowledge of it.

The Censor's political ignorance.

The best comment upon the Censor's official ignorance as to who "Mr Chesterton" of "The Orchid" was, is the evidence of Mr George Edwardes (4,530-4,533). The passage is sufficiently entertaining to be quoted in full :—

Mr Robert Harcourt.

4,530. You refer in your proof to Mr Chamberlain, and I thought it was in the public interest that you should have an opportunity of saying anything that you wish to say about "The Orchid" ?—It has been suggested that in "The Orchid" a replica of Mr Joseph Chamberlain was introduced. The statement is incorrect. There was a character—clean-shaven and wearing an eye-glass. I believe there is no crime either in being clean-shaven or in wearing an eye-glass. The actor bore no resemblance to Mr Chamberlain

—he was about half his size; but I admit he wore a flower in his buttonhole, an orchid, at that time.

4,531. But I want to know: Do you ask us to suppose that the audience were not entitled to take it as representing Mr Chamberlain?—I assure you that it was not intended for Mr Chamberlain.

4,532. . . . You really say that it was not intended to represent Mr Chamberlain?—I assure you that it was not intended to represent Mr Chamberlain. Of course, if some member of the audience liked to think it was Mr Chamberlain, I let him think so.

4,533. Here is the song that "Mr Chesterton" sings:—

"From the start of my existence I was noted for persistence,
For learning or engaging in a game,
And my juvenile ambition often met with opposition,
But I generally got there all the same."

Then the chorus runs:—

"Pushful, pushful, I'm so very pushful."

Then the second verse is:—

"Then I found my native City was not either clean or pretty,
Or as healthy as I thought it ought to be,
So I pushed into a station on the City Corporation,
And the subsequent results are there to see."

Then the third verse is :—

"Now by efforts well-directed I was very soon elected,
As a Member of the British Parliament,
And my neighbours were so hearty that the leaders of my Party,
Turned the other people out—and in they went.

"But their policy quixotic seemed to me unpatriotic
And I viewed them with considerable doubt,
And enroused with Foreign Nations they were seized with perturbations
As I could not push them in I pushed them out."

Then I will not read the last verse, but I will just give you a quotation :—

"Though my former friends at present are sarcastic and unpleasant
When they see that I am going in to win,
I ignore their aimless chatter, for I know it does not matter,
And I stand up for the Empire thick and thin.

"I'm announced in songs or sermons by the French or by the Germans,
For my monstrous Mephistophelian aims,
But I let them go on writing, for I find when two are fighting
It is not the one who wins that calls the names."

The gentleman wore an eye-glass, he was clean-shaven, he was Minister of Commerce, called Mr Chesterton, and he wore an orchid in his buttonhole. But he was not to be taken as representing Mr Chamberlain ?—He was only

half the size of Mr Chamberlain, to begin with, and there was really no resemblance to him at all. He wore an eye-glass, if that is a resemblance, and he wore an orchid in his buttonhole.

The Censor defines the law as to old plays.

The second of the above heads on which Mr Redford seemed at the first blush determined, related to plays that were written before his time. An old play, it seemed, need not be licensed if a manager wished to revive it. Mr Redford even went so far as to propound a theory explaining why it should not be necessary for him to license an old play. The theory was that an old play must already have been licensed by the Lord Chamberlain or Master of the Revels of the day, and that it need not, therefore, be licensed afresh. The Committee first started the subject of old plays when Mr Redford was explaining why "Everyman" came to be performed in spite of the Scriptures. "Everyman" came "very much under the same head as Shakespeare," pleaded Mr Redford, "It was not licensed." It had not to be sent in. Mr Herbert Samuel at once followed this up.

Mr Herbert Samuel.

234. Is it the case that plays which were written prior to a certain date do not come within the jurisdiction of the Lord Chamberlain

at all ?—It has only arisen really in the case of Shakespeare's plays and some of the old dramas.

235. Does the Lord Chamberlain's jurisdiction apply to plays no matter what their antiquity, or only to plays that have been written after a certain date ?—Ancient plays are supposed to have been licensed if they come within the period when there was any Censorship, or under the Master of the Revels, for instance, who preceded the Censor.

Mr Robert Harcourt.

236. What is the date ? What is the chronological limit ?—There is no limit of date that I know of.

The Censor immediately repeals the law.

Having stated the law with the utmost clearness, Mr Redford immediately repeals it. "What of Restoration plays ?" asked Mr Harcourt at question 240. "If they were performed," answered Mr Redford, "they would have to be submitted." Thus the law, as stated by Mr Redford, at questions 234 to 236, is abrogated at question 240. Continuing the passage, we find it again restored at questions 244 to 247, and finally obscured at questions 248 and 249 :—

Mr Hugh Law.

244. You remember the "Mermaid" series of plays produced by Mr Philip Carr ? You said

when you were applied to for a licence in the case of one of these plays (it was a Restoration drama) that it was not necessary to seek your permission ?—That would be the policy I should pursue.

245. Therefore one could get a manager to produce any one of the Restoration dramas without let or hindrance, so far as the Lord Chamberlain's office is concerned ?—Yes.

Mr Robert Harcourt.

246. The Restoration dramas are, perhaps, the most indecent plays that have ever been written. They could hardly be produced in a theatre without causing offence. They are both indecent in character and indecent in language; and you have no control over such plays if a manager thinks fit to produce them ?—That is really a matter for the Lord Chamberlain. It would come before the Lord Chamberlain if it was a bad case.

247. As the authority for licensing the theatre, and not as the authority for licensing the play ?—Yes.

Mr Robert Harcourt.

248. Mr Pigott said that the essence of your office was that it was a friendly intervention before production. You have no right of friendly

intervention before production, assuming that a manager produces a most indecent play by Wycherley. You could not intervene before production ?—That point has never *cropped up*, and I think it is not likely to crop up.

249. I want to know the fact. You must know the nature and power of your office ?—Exactly.

Analysis of the Censor's confusion.

Mr Redford's "Exactly" did not at this point encourage the Committee to proceed; but they made several further attempts to clear the matter up. Mr Redford's evidence goes on the whole to show that his first statement is substantially correct. An old play is regarded as having been previously licensed. None of the plays produced by Mr Carr were licensed or even submitted. Mr Redford fell into difficulties under cross-examination because the Examiner of Plays is not expected to understand the law he administers. Remembering Shakespeare, he said, quite correctly, that old plays need not be submitted for licence. But as soon as the Restoration drama was mentioned by Mr Harcourt he was frightened into momentary recantation. Restoration drama, he suddenly remembered, was commonly held to be indecent; and he probably anticipated that Mr Harcourt would soon be scoring heavily if he admitted he was powerless to deal with it. He said, therefore, that

Restoration drama must be submitted. As soon as he recovered presence of mind he again remembered Shakespeare, and was driven to admit that Restoration drama would have to be treated "very much under the same head." He therefore reaffirmed the law, and admitted Restoration drama to its advantages. But Mr Harcourt again frightened him with the terrible indecency of the plays of Wycherley and Congreve, so that he once more surrendered his position, and clung desperately to the saving fact that Wycherley had never yet "cropped up."

The law as it really is.

Now, if Mr Redford had stuck fast to the Theatres Act, he need not have budged an inch from his first foothold. Suppose the law stood as he affirmed. Suppose the plays of Wycherley must necessarily be regarded as already licensed, and that it was therefore Mr Redford's duty to let any manager know that they need not be submitted. Mr Redford still had the power to prohibit their performance anywhere in Great Britain, whether they were licensed or not. Mr Redford's obvious indecision shows that he was not clear as to the extent or nature of the Lord Chamberlain's statutory powers. In fact, he admits he is not. "You could not intervene before production?" asked Mr Harcourt at question 248. To which Mr Redford could

only reply that the point had never yet cropped up.

Mr Redford's vacillation is not personally discreditable. It is incidental to his tenure of an office wherein no one is, or ever has been, required to understand his functions and powers; wherein, moreover, it would be impossible for any one with the clearest head and the best will in the world to understand them if he tried. Hunting Mr Redford through the lines of his evidence is mournful sport. Readers who have thus far followed the attempt to arrive at some definite principle of conduct, some idea of the law and practice of Censorship, will perhaps at this stage prefer to accept a plain statement that the law, principle, and practice can, no matter where we turn, only be described as experimental anarchy. This holds, not only of the broader questions of policy, the general rules by which the Lord Chamberlain and his Examiner destroy or mutilate the property of dramatic authors; it extends to the daily habits of the Examiner's official life. Let us take one small point in illustration of this, and thereafter leave the Examiner in peace.

The Censor irregular in his habits as well as uncertain in his principles.

The Examiner and his superior officer, Sir Douglas Dawson, are between them not quite sure as to whether or not it is the Examiner's strict duty to attend the theatre. The point

Espionage.

is of first-rate importance. A play quite inoffensive as passed might be made extremely offensive in presentation; it might be severely edited by actual alteration or by the insertion of "gag"; it might be for all practical purposes as good as rewritten. Mr Pigott, in 1892, was inevitably questioned as to this portion of his duties. He replied quite definitely: "I should be very sorry to pursue any manager with a sort of system of espionage." But Mr Redford temporises. "There are no official means," asked Mr Alfred Mason at question 331, "by which you would have control over alterations made in a play after that play has been produced. It is a mere question whether you happen to go to the theatre, or some one who knows you happens to go to the theatre and sees it. Is not that so?" Mr Redford evaded examination. "There is the fact," he replied, "that we manage to keep the stage pretty free from those things."

The Censor watches the press in dubious cases.

But at question 279 Mr Redford is more definite. "How do you become aware," asked Mr Herbert Samuel, "that a play which is licensed has become objectionable owing to the manner in which it is performed?" "Principally," said Mr Redford, "through the press, or seeing the play myself. I make a point of watching the press in dubious cases."

But Colonel Sir Douglas Dawson, as on other occasions, allows us to notice that the Censor is not really required to be posted as to his duties. Colonel Sir Douglas Dawson produced a Letter of Service, to which reference is made on this precise point at question 1,640. This Letter of Service, by the way, is of no earthly help to the Examiner in determining his principles of selection, or in deciding any question of importance. It was therefore ignored in dealing with his general instructions. But, useless as it is for a practical guide as to how a bank manager shall deal with the literary, moral, religious, or chronological enigmas of the Censorial office, it is at least quite precise as to his duty of visiting theatres.

But Colonel Sir Douglas Dawson produces a Letter of Service.

Mr Alfred Mason.

1,640. I just want to ask you one final question about the instructions to the Examiner of Plays. I see in that memorandum which you read to us that the Examiner of Plays is recommended to visit the theatres frequently in order to see the plays which have been already licensed ?—Yes.

1,641. Are definite instructions given to the Examiner of Plays with that object ?—Do you mean verbally ?

1,642. Yes ; or whether it is actually in the

terms of his appointment?—It is included in his "Letter of Service," of which I think you have a copy.

1,643. Yes; I see "The Examiner is further expected to visit the theatre constantly, and to see that the rules of the Lord Chamberlain are carried out with regard to the pieces licensed by him"?—Yes.

A further important question.

Nothing could be more definite or simple. We might pursue the Lord Chamberlain's Examiner into similar difficulties as to the greater number of his mysterious habits. Should the Censor confine himself to strictly official dealings with managers, or allow himself to negotiate, confidentially informal, with dramatic authors? Should he indicate in the plays which offend him passages to be excised as a condition of production? (He did this in the cases of "Blanco Posnet," "Johannisfeur," and "The Secret Woman.") Or should he, without indication of any kind, demand that the play be re-submitted him in an acceptable form? (He did this in the case of "Waste.") Is he supposed to act upon the rule that once refused is always refused, as Mr B. Iden Payne was most distinctly given to understand in a correspondence with Mr Redford as to the production of "Mrs Warren's Profession"? Or is he supposed to have the power to reconsider his decisions, as he actually

did in the cases of "Samson and Delilah" and "Œdipus Rex?" No answer to these questions is to be had from the Departmental evidence before the Joint Select Committee. The evidence does, however, show that it is possible for the Examiner of Plays to be in so complete a state of mental confusion as to the intention of his office that on one celebrated occasion he gave to a reporter on the *Daily Mail* an account of his duties which had to be publicly repudiated by the Home Secretary in the House of Commons.

The Censor's responsibility to Parliament.

There is one really important question as to the official position of the Lord Chamberlain and his Examiner which has yet to be discussed. This must conclude our survey of the Department itself. The Censor administers neither law nor practice. The precedents are merely confusion, and, even where his duties are capable of definite interpretation, the conditions are all that could be expected of an office privately conducted at hap-hazard by a clerk in the Lord Chamberlain's office. The Examiner of Plays, whoever he may be, is *ex officio* an insolent sloven; and the Lord Chamberlain, who is in theory responsible for his decisions, can only hope that the mistakes inevitable to the administration of so impossible and grotesque a function shall be far enough on the right side—the side of the theatrical vested interest—to ensure him the continued support

of representative men of the world, and shall not unduly plague that more ferocious section of dramatic authors which is never happy unless it is successfully making fun of the enemy's uniform. We have no guarantee that the Examiner of Plays is an educated man, or that the Lord Chamberlain, for whom Censorship is the least of his duties, has any special qualifications to be the First Lord of the Theatre. Further, neither the Lord Chamberlain nor his Examiner need give any reason for licensing or refusing to license a particular play. This is one of the few points as to which Mr Redford is quite clear. "It is no part of my duty," he says at question 414, "to give any reason for vetoing a play." It remains to see whether there is any constitutional method whereby an author deprived of his property can at least learn the grounds of his outlawry. Seeing he cannot demand reasons of the Lord Chamberlain in his office, is he able to ascertain wherein has he offended from the Lord Chamberlain in Parliament? People thoroughly inoculated with the democratic virus might conceivably argue that, if the Lord Chamberlain were responsible for his office as Censor to Parliament, his responsibility might reasonably be considered a justification of his authority and a safeguard for the authors whose property is forfeited at

his discretion. It is commonly understood that a citizen of to-day has no grievance against tyranny in its modern or democratic form so long as the person who chooses to represent him in the House of Commons—or, as it is sometimes humorously phrased, the person whom he elects as his representative—has power to put elaborately modelled questions to a Cabinet Minister, who may employ every resource of official language to answer, or not to answer, as he pleases. It is not here necessary to dwell on the futility of the Lord Chamberlain's responsibility to Parliament (if it really existed) as a remedy for a dramatic author robbed of his goods, or to pause on the fantastic vision of Government or Opposition actively interesting itself in any matter of abstract justice concerning so minute and negligible a section of the electorate. For, as could quite reasonably be expected from what we have already seen of the Censor's office, though the wisest and most credible authorities differ as to the precise value and extent of the Lord Chamberlain's responsibility to Parliament, the total result is plainly to leave the Censor without a limit to his authority. His position as to the House of Commons is fairly clear. The Lord Chamberlain's salary not being on the Estimates, the House of Commons cannot bring his conduct under

review without a special motion, such as would be necessary in the case of his Majesty's Judges or the Lord Lieutenant of Ireland. To argue that this possibility of a special motion would tend to make the Lord Chamberlain careful in his exercise of Censorship would be equivalent to arguing that you could prevent the President of the Board of Trade wearing yellow boots by reminding him that in certain circumstances, not very likely to arise, it would be possible to bring in a motion for his impeachment and execution. The Lord Chamberlain is, in fact, in no practical sense responsible; and it follows from this that no questions as to the administration of his office can be strictly in order. Questions addressed to any Minister of the Crown have been asked, and by courtesy answered; in fact, only last year Mr M'Kenna consented to answer on the Lord Chamberlain's behalf some very pointed questions of Mr Robert Harcourt and Mr Gervase Beckett relative to the scandalous appointment of the present Senior Examiner. But there was no compulsion upon Mr M'Kenna to act as the Lord Chamberlain's mouthpiece; and had Mr M'Kenna been half aware of the portentous absurdity of the Lord Chamberlain's message, it is only charitable to assume that he would have refused the office

The position of the Censor in relation to the House of Commons is plainly stated by Mr Speaker at questions 4,800 to 4,802.

Mr Speaker on the Lord Chamberlain's responsibility to the House of Commons.

Mr Herbert Samuel.

4,800. The Committee are very much indebted to you, Mr Speaker, for coming here to inform them on the degree of control that may be exercised by the House of Commons on the Lord Chamberlain. The Lord Chamberlain's salary not being on the Estimates, that control is of a somewhat limited character?—Yes; that is so. The Lord Chamberlain's salary is borne on the Civil List, and the Civil List does not come within the cognisance of the Committee of supply; therefore it does not come up for annual revision.

4,801. Is there any method by which the House of Commons can bring under review the action of the Lord Chamberlain in connection with the Censorship? It is always open to the House of Commons to consider a motion with special reference to the Lord Chamberlain, either as regards his general administration or his administration in any particular; but then it must be done by a special motion, on notice given, and duly considered as a motion. The Lord Chamberlain, in fact, stands exactly in the

same position as one of His Majesty's Judges or the Lord Chancellor, or the Lord-Lieutenant of Ireland, or the Speaker—a certain class of great officials of State, whose conduct, of course, can be reviewed by the House, but it must be reviewed after due notice and in a formal and proper manner.

4,802. Can questions be addressed to any Minister of the Crown on this subject ?—I should say not; for this reason: that if you cannot review the conduct of the Lord Chamberlain, there seems to be no propriety in asking questions with regard to his conduct or his administration. But, on the other hand, I must admit that there have been one or two questions asked during the last ten or fifteen years. What I would say with regard to them is that they seem to be chiefly questions relating to action taken as the result of representations from the Foreign Office in cases in which offence to some foreign Power might possibly be caused by the continuance of the play or by the licensing of the play. . . . There certainly is no Minister representing the Lord Chamberlain in the House of Commons. And I would quote what Sir Matthew Ridley said on the 15th May 1900, when he was Home Secretary, and a question arose with regard to the Censorship; he is reported to have said: "There is no discipline or check on the drama

in the hands of any Government Department." And he goes on, I think, to say that there was no Minister who could answer or who was responsible for it in any way in the House of Commons.

4,807. Although the Lord Chamberlain is a Court official when he acts as Examiner of Plays, when he exercises the powers of examining plays he is really performing an administrative and not a Court function, and, therefore, would not the general doctrine of Ministerial responsibility apply in case of the advice he gives in respect to the licensing of plays?—I think that originally his functions were of a purely Court character; it is possible nowadays that his functions have become more administrative by reason of the fact that there are a great many plays submitted to him and a great many more theatres in existence. But the old practice still holds. If the House wishes to alter the matter and bring his conduct within its purview, it should be done by some formal step. We are only following out the old practice, and I do not think I could take upon myself to alter it without some definite pronouncement of the House.

Colonel Lockwood.

4,808. An address to the Crown?—Or a statute, of course. If the House passed an Act

placing the salary of the Examiner of Plays on the Votes, that would be sufficient.

Mr Herbert Samuel.

4,809. In that case who would answer questions in reference to the exercise of his functions, supposing he was still to be appointed by the Lord Chamberlain, if his salary were on the Votes?—That would have to be a matter for arrangement amongst the different Members of the Government.

Colonel Sir Douglas Dawson agrees with Mr Speaker.

Colonel Sir Douglas Dawson, at questions 1,492 to 1,493, agrees with Mr Speaker:—

Mr Herbert Samuel.

1,492. What form of control would the House of Commons have over the action of the Lord Chamberlain?—I know of none in the House of Commons.

1,493. The Lord Chamberlain's salary is not voted by Parliament?—His salary is not voted by Parliament.

1,494. It is drawn from the Civil List?—From the Civil List.

Mr Speaker on the Lord Chamberlain's responsibility to the House of Lords.

So far the Lord Chamberlain's responsibility to Parliament is clear—he cannot in the House of Commons as practical politics be touched. But in the Lord Chamberlain's own House there

is confusion. Mr Speaker thinks he can no more be controlled by the House of Lords than by the House of Commons :—

Mr Herbert Samuel.

4,805. Could you tell us whether there is any difference in the degree of control over the Lord Chamberlain that may be exercised by the House of Commons, and that which may be exercised by the House of Lords ?—I should not like to be answerable for the House of Lords ; they do very peculiar things there sometimes. I do not know who is the Authority of Order in the House of Lords. I do not think there is any so far as I have been able to discover, but *I should think the same rule must obtain in the House of Lords as in the House of Commons.*

Colonel Sir Douglas Dawson does not agree.

But Colonel Sir Douglas Dawson does not agree. Mr Speaker's opinion, though diffidently expressed, must count for fully as much as the Comptroller's. The confusion is plain ; and the point to notice is that the Lord Chamberlain can always take advantage of this confusion to escape. Here is Colonel Sir Douglas Dawson's contradiction of Mr Speaker :—

Mr Herbert Samuel.

1,486. How far is the Lord Chamberlain, in your opinion, responsible to Parliament with

reference to the performance of these functions? —The Lord Chamberlain is a Minister of the Crown, a Member of the Government, and he acts under powers given him by Act of Parliament. He is to be found in his place in the House of Lords. The Lord Chamberlain looks upon himself as perfectly capable of answering questions where his action is called into account.

1,487. In the House of Lords?—In the House of Lords.

. . . . . .

1,490. Has the Lord Chamberlain in practice been asked questions with reference to the Censorship of plays in the House of Lords?—I do not think he has.

1,491. Do I correctly understand from you that he considers himself obliged to reply to such questions, supposing they were asked? — I think so. I remember in one of the Committees Lord Brougham and Lord Wharncliffe gave an opinion that the Lord Chamberlain, being in the House of Lords, was responsible to answer questions; and I think the present Lord Chamberlain considers that that describes his position.

Conclusion. Thus the fatal uncertainty which makes it impossible for a dramatic author to tell whether

his property is safe till the Examiner has actually insured it makes it equally impossible for him to obtain in the event of its destruction the faintest official indication as to the head and front of his offending.

CHAPTER III

THE PILLARS OF THE CENSOR

Theatrical managers are not to be judged by the quality of their evidence before the Joint Select Committee.

A THEATRICAL manager is not necessarily more lawless and wicked than a bishop or a civil engineer. Moreover, many theatrical managers are men of very great ability. Sir Herbert Tree would probably have pushed his fortunes with equal assurance and rapidity in politics, or in the city, or at the bar, as in the theatre. Sir George Alexander is intellectually as high above the level of some of the plays with which he fills his theatre as many of these plays are beneath the intelligence of an educated person. Nevertheless we shall find theatrical managers—Sir George Alexander being perhaps the most prominent offender—using arguments for the retention of a Censor whose mere statement is itself a refutation. It would be misleading to assume from an examination of these arguments anything whatever as to the intellectual competence or honesty of their authors. A historian of the future, reading the Report from the Joint

Select Committee when all memory of the lives and characters of the witnesses is harvest of oblivion, would be driven to assume that English theatrical managers of the early twentieth century were either the most puzzle-headed fellows ever suffered to come to the top of a respectable profession, or that they were unprincipled casuists—clever, but inexpert—trying to defend with argument irrelevant to their purpose an institution which they were commercially interested to preserve. The historian would, of course, be wrong. The truth is not so simple.

The infamies of property and privilege.

It has come to be thought disgraceful in a man of property to defend his own. Any one to-day in a privileged position, or with a vested interest, is expected either decently to conceal or publicly to apologise for his advantages. The publican apologises for his licence, the landowner for his land, the peer for his vote in the House of Lords, the Bishop for his connection with the Establishment, the heir for his unearned inheritance. Moreover, it is the national habit to do a thing upon six or seven private motives, and to publish to the world an official motive with which the private motives are not even remotely connected. Thus Henry V., invading France to busy giddy minds with foreign quarrels, to make a splash in history, to gratify his taste for travel, to add if possible to his territory, to secure his dynasty

at Westminster, solemnly made war to establish the sanctity of the Law Salic. It should not, therefore, surprise us to find that the theatrical managers, instead of glorying in the possession of a State official whose paid function is to protect them from the police and the local authorities, are instinctively ashamed of their advantages and eager to explain them away. Caught by the Joint Select Committee with a valuable institution in their pocket, they discard it as hurriedly as possible. Somebody asks: "Who is this Censor, who turns your plays into commercial commodities and relieves you of all moral responsibility?" "*Our* Censor?" say the managers in great astonishment; "we have not got a Censor. He is the public's Censor." "But he protects you," says the accuser; "you cannot deny that he protects you." "Perhaps so," the managers admit (with apologies); "but he was not invented for that purpose. His protection of us is an unfortunate incident of his office. Really he exists to protect the public from national complications with foreign powers, from indecent drama, from profanation of their deepest religious and moral convictions, from personal libel and defamation."

The managers' fatal assumption.

It is quite natural that the managers, having to choose between pleading for the Censor because he was as good to them as £6,000

a-year—£6,000 is, as we shall see, the precise figure—and pleading for him because he protected the public, should choose as they did. This is not to say that they deliberately called a meeting and decided to gammon the public. The choice was unconscious and predetermined. The Censor is quite commonly understood to exist for the protection of playgoers against what is immoral or otherwise improper for the stage. The managers accepted this superstition in the easy fashion of men who desperately want to believe something too good to be true. They were just ripe for this particular revelation as to the Censor's mission. Their belief in the Censor saved them from that other misdemeanour of belief in themselves and their privileges. It is against public decency in a democratic country to glory in immunity from the common lot, or to stick fast to privileges worth £6,000 a-year. Belief in the Censor's moral mission saved them the disgrace of appearing before the public as men with a stake in the country.

The predisposition to blunder.

Also it must be remembered that a manager like Sir George Alexander or Sir Squire Bancroft would naturally be predisposed to accept without much consideration a view of the Censor as moral guardian of the theatre. Sir George Alexander had lived comfortably with the Censor for years. He had never had serious

difficulty touching any of the plays he had produced, and he shared the very popular, though incorrect opinion, that some of these plays were of an advanced and unconventional type. He might pardonably assume that, if a successful manager who had produced some of the best plays of his generation was able to live peacefully with the Censor, surely any other reasonable person might do the same. At the back of his mind there would be the shadow of an idea that all this agitation about Censorship was largely factitious—the product of a young, noisy, and impracticable movement of missionary dramatists crazy for advertisement. In the evidence of Sir George Alexander this idea was politely expressed in an opinion that the public were not greatly interested in the question of Censorship, that the Censorship had not seriously interfered with the development of British drama, and that "some authors have got the Censor a little on the brain." In the evidence of less enlightened witnesses the same idea was crudely and violently put in downright assertions that certain dramatic authors had deliberately picked a quarrel with the Censor, and that Mr Granville Barker — to give a particular instance—had actually written a play expressly that it might be rejected by Mr Redford. Sir George Alexander did not suggest, as one witness

did, that certain dramatic authors had perhaps been "intentionally unfortunate" in their dealings with the Censor. But there is in his evidence, as in the evidence of most of the Censor's friends, an assumption that if a dramatic author cannot write a good play without falling foul of the Censor, he must be a very difficult, perverse, unreasonable, and undesirable citizen. Take a passage from the first page of Sir George's examination :—

Mr Herbert Samuel.

4,163. Do you think that the present Censorship has inflicted any injury on the British drama ?—No.

4,164. You consider that the non-performance of the censured plays has not mattered very much ?—No, not in my experience.

4,165. You think that a dramatist who is anxious, and has it in him, to produce a great work of art will produce it whether there be a Censorship or not ?—I do.

There is here no direct attack upon Mr Bernard Shaw or Mr Granville Barker or M. Maeterlinck ; but the attack by inference is clear.

When once the managers had accepted the first false premise as to the Censor's moral mission, the grosser absurdities of their defence

The fruits of error.

followed by mere application of the ordinary rules of logic; and the more lively the sense of logic in a particular witness, the more abundant were his inferences and conclusions. It was therefore perfectly natural that Sir George Alexander, whose acumen relentlessly drove him to accept every consequence of his prime assumption, easily led the way in reducing the Censor's case to absurdity.

London corrupted in a single night.

The opening passage of Sir George Alexander's evidence enables us to see how easily, once the initial false step is made, the Censor's friends are helplessly driven to a climax of absurdity. Sir George Alexander finally reaches a point where he solemnly draws for us the amazing picture of London corrupted in a single night by a play which the producers did not know was indecent.

Analysis of Sir George Alexander's conception.

To begin with, Sir George Alexander is not foolish enough to believe, or dishonest enough to pretend to believe, that the public on whom he relies would support indecent drama except in very limited numbers. The Censor *ex hypothesi* exists to protect a decent public from indecent drama. Since no one need be ignorant as to the character of a play after the first performance, it follows that a decent audience could only be outraged by an indecent play on the first night. Moreover, this play, which in the absence of a Censor is going to corrupt London in a single

night, has been passed by the manager. Sir George Alexander has admitted that indecent plays would only attract a strictly limited public. All managers — missionary artists included — desire to appeal to as large a public as possible, so that no manager would wittingly offer the public an indecent play. Therefore the play which is sufficiently indecent to corrupt London in a single night is also a play whose indecency the producer was unable to perceive.

The progress of Sir George Alexander.

Observe how rapidly Sir George Alexander is logically propelled into this absurdity. His evidence begins at question 4,152 of the Report.

Mr Herbert Samuel.

4,152. You have been for many years manager of a theatre ?—Yes.

4,153. And your experience has led you to form certain views with regard to the Censorship ?—Yes.

4,154. Would you tell me in general what your opinion is as to the retention or abolition of the Censorship ?—In my opinion a Censorship of plays is of great use and value, and I should deprecate its abolition. It is wanted in the interests of the State, to regulate, and, if necessary, to prevent, the public performance of plays dealing with political questions, whether

at home or abroad. It is wanted in the interests of the public, to deal with blasphemous or indecent plays. In both these cases the damage is done by the performance of the play, and the remedy, whatever it may be, after the performance comes too late.

4,155. It has been suggested to us that if the Censorship were abolished, as a matter of fact, plays of that character would not be produced, because the public would not tolerate them. What is your view on that point ?—The public would not be in a position to judge until the performance had taken place.

4,156. Do you think that plays which are of an indecent or semi-indecent character might enjoy a fairly long run if they were allowed to be produced ?—No.

4,157. You think the public would resent them ?—Certainly.

4,158. You do not think there is a danger that they might attract a public of their own ?—Probably in limited numbers they might ; but I do not think the measure of ill done would be calculated by the number of people witnessing the play.

4,159. Do you attach importance to the non-performance of a play of that character even for a single night ?—I do.

Sir George Alexander arrives.

Under cross-examination by Mr Robert Harcourt, Sir George Alexander adds to his posi-

tion. Mr Harcourt has raised the question of the Restoration comedies which need not be submitted for licence. Sir George Alexander says of these that "the public have read them, and are not obliged to go and see them. They know before they go to the theatre what they are going to see." And the evidence continues:—

Mr Robert Harcourt.

4,223. That is rather an interesting point. You say that the public are not obliged to go and see them. In your experience of theatre audiences do they, so to speak, tumble into the theatre without having the remotest idea of what they are going to see?—I endeavour that they should do so by keeping my proofs from the press. It is sometimes difficult.

4,224. That is applying only to the first night?—Yes.

4,225. Does not the average theatre audience know in substance what it is going to see before it goes?—I hope not.

4,226. Has it not a general idea of the character of the play?—No.

4,227. Then why does not an unsuccessful author get a run of a hundred nights, say, for his play?—Because the plays are bad.

4,228. But do not theatre audiences get a

general idea from their friends who have been as to whether they are likely to find a good play or not?—Very soon, I think.

4,229. And would they not get to know whether a play was an objectionable play without going to see it?—You have your first-night audience to consider.

4,230. Then it is the point of the first-night audience; any harm that you suggest is done by one performance. I mean, if there be harm, it would be harm applying very largely to one performance?—Yes.

This amazing conception of London corrupted in a single night by an innocent manager desiring simply to please his customers is logically contained in the apparently harmless assumption that the Censor exists to save a decent public from indecent plays.

A derivative absurdity.

A minor absurdity of the above conception is logically contained in the major. If the Censor is necessary to decide what is decent or indecent in the theatre, obviously the manager must be incompetent. We therefore find Sir George Alexander exaggerating the inability of himself and his friends to decide this for themselves. In an excess of modesty, more than is possible or desirable in a distinguished member of a great profession, Sir George Alexander tells the Joint Select Committee at question 4,201 that

to decide what play he ought to produce and what play he ought not is a responsibility which he would rather not have placed upon his shoulders. Here again is an argument which is logically implicit in the root assumption which, as we have seen, was quite naturally accepted by the managers in an evil hour. Sir George Alexander bravely accepts the consequences of his first error. Logically required thereby to admit that a manager with lifelong professional experience of the theatre and in continual touch with public audiences is less likely to know what effect a play will produce when presented than a bank manager—or, if we accept Sir George's definition of an ideal Censor, than a man of the world with knowledge of literature and the drama — he does not for a moment hesitate, but with a fine courage looks the absurdity straight in the face and accepts it like a man.

Mr Alfred Mason.

4,296. In the interests of the public you tell us that a Censorship is necessary ?—Yes.

4,297. Would you say that it was possible, pretty generally, to anticipate before production whether a play was going to have a more or less indecent effect when presented ?—One might, of course, be mistaken in one's judgment.

4,298. If a manager whose whole life's training is rather calculated to make him an expert in anticipating the effect of plays upon the public can make mistakes, would not the Censor be liable to make many more?—There would be two opinions against one.

4,299. The one qualified and the other not?—There would be the manager and there would be the Censor.

4,300. What sort of qualifications would you look for in an ideal Censor?—I think he should have a knowledge of literature and the drama, and he should essentially be a man of the world.

4,301. You think that a man of the world would be able to gauge before production of a play the effect that that play was likely to produce as well as the manager of a theatre who was a professional producer of plays?—He might make mistakes, of course; so may a Judge; but you do not say that he is incompetent or should be removed because he is reversed on appeal.

4,302. On the whole you would be satisfied with a man of that character?—Yes.

All this merely goes to show that in the nature of things absurdity is difficult to avoid in an oblique defence of Censorship.

Sir Herbert Tree's double personality.

Before pursuing further these excursions of the managers into morals and public policy, it

is perhaps desirable clearly to understand the commerce and private interests of the managers' position. Sir Herbert Tree cheerfully accepted a double personality before the Joint Select Committee as a manager who found the Censorship "a very great convenience," and as an artist and man of letters who was ready to admit that Mr Redford's arbitrary conduct was not always as good for the health of British drama as it was commercially valuable to himself. So, without unnecessary apology for introducing vulgar and material considerations into the argument, we will for a moment discuss the Censorship as an institution worth at least £6,000 a-year to the actor managers.

Mr Fladgate on the commerce of theatrical management.

No witness's evidence is more worth seriously reading than the evidence of Mr William Francis Fladgate. Mr Fladgate appeared before the Committee as solicitor to the West-end Theatres Association. He witnessed in 1892, as well as in 1909. He knows the Censorship question through and through from the point of view of his clients, the managers; and he quite frankly and honestly presented the case on its commercial or vulgar side. "Why do the managers support the Censorship before production?" asks, in effect, the Committee. Mr Fladgate truthfully answers: "Because a play which has once been licensed becomes a commercial commodity."

Mr Fladgate goes on to explain that as solicitor to the West-end Managers' Association he holds a licensed play to be immune from prosecution by the police and immune from interference by the local authorities.

Mr Fladgate contends that the managers' insurance is absolute.

Mr Fladgate is wrong; and his error is of the utmost importance. For Mr Fladgate naturally reads the law of Censorship as the managers would wish to have it. Mr Fladgate's argument that the Censor's licence is absolute safeguard for an indecent play once it has passed the Censor is an ingenuous revelation of the managers' true view of Censorship. Mr Fladgate's Censor is really the Censor for which they are fighting — not Sir George Alexander's. A Censor who can safely insure their plays before production is a necessity. A Censor who saves London from being corrupted in a single night is luxurious.

Mr Fladgate differs from Mr Byrne.

Mr Robert Harcourt in cross-examining Mr Fladgate points out that the witness's evidence differs remarkably from the evidence of Mr Byrne. Mr Byrne reads the law correctly. Though in practice licenced plays are not prosecuted by the police, and though the local authorities have never within common knowledge censured a provincial manager or threatened his licence for the performance of a licensed play, there is no immunity in law for

licensed plays, either from prosecution by the police or from Censorship after production by County Councillors. Mr Fladgate reads the law, not as it is, but as the managers would like to have it; and, misreading the law in favour of his clients, he exaggerates in their behalf, and from their point of view, the practical advantages of Censorship. Thus, indirectly, we see straight into the heart of the managers' case for the Censor. Censorship is practically an insurance, not of the public against the dramatic authors, but of the managers against the common law and against the control of the people's elected representatives.

The Censor and the police.

Mr Fladgate's evidence as to the immunity of licensed plays from the police is given at questions 1,025 to 1,030 of the Report.

Mr Robert Harcourt.

1,025. If I may just take one or two points briefly on the question of fact in your memorandum, you were referring first of all to the evidence of Mr Byrne on a rather important point. On page 3 of your proof you directly dispute certain statements made by Mr Byrne. You say that at the present moment, provided that a performance takes place in a licensed theatre, and that performance is a performance

of a licensed play, it seems that the police have no authority whatever to interfere. I do not know whether you can amplify that at all ?—I am taking my information to a great extent from the evidence that was given by Mr Bruce before the Committee of 1892, in which, speaking on behalf of the police, he distinctly supports the statement I put forward ; and I can find no legislation since 1892 which gives the police any further authority over theatres than they had at that time.

1,026. In the following paragraph to that you say that you find in Mr Byrne's evidence that he considers the police have power to stop an indecent exhibition in a theatre, but that you have some doubts whether those powers really do exist at the present time. Do you mean to say that in the case of some mere obvious indecency—say in the case of a dress of a scandalous character—the police would not have the common law power of putting a stop to it ?—I do not think they would.

1,027. It is obvious that the Lord Chamberlain has the power ?—I was going to supplement my answer by saying that the powers of the Lord Chamberlain are so drastic that the moment such a thing takes place the Lord Chamberlain is informed of it, and he stops it.

1,028. But is the Lord Chamberlain informed

of it ?—Going back many years ago, I remember a piece called "Barbe Bleu," in which the skirts were very short—about the year 1870 or 1872—when the Lord Chamberlain stopped the performance, and the skirts had to be lengthened.

1,029. That is an interesting point of fact. But the point I am on is the powers of the police. Do you mean to say that if the Lord Chamberlain does not intervene, the police would not have the ordinary common law power against gross indecency in a theatre, as they would in the street ?—The only Acts under which I can find that they would have any such power are the Vagrancy Acts—two Acts of 1824 and 1838; and certainly those Acts were not intended to provide any such power.

Mr Fladgate on the local authorities.

Mr Harcourt next examines Mr Fladgate as to the immunity of licensed plays from interference of the local authorities.

1,044. May I ask you this ? You claim that the Censorship deprives a local authority of any power of interfering with the licence ?—Yes.

1,045. You are aware that that is definitely against the evidence of Mr Byrne, which you have studied ?—I do not agree with Mr Byrne's evidence on that one particular point.

1,046. His evidence is at questions 144 and following. I asked him this specific question—If

a big local authority consider that a play is of a grossly indecent character, would the local authority be acting in his view judicially if they refused to renew the licence; and his answer was that he would if they attached the power of instant revocation as one of the conditions of the licence. I left that out purposely, because I was not talking of instant revocation; I was talking of dealing with it at the annual sessions; I was merely asking whether the local authority had power to overrule the opinion that the Lord Chamberlain expressed in his licensing the play, and to withdraw the licence of the theatre, or to threaten to withdraw it, owing to the character of the plays which were produced at that theatre —which is a very important point. It is so important a point that I hesitate to have sufficient temerity to answer it. *I should very gravely doubt whether any local authority would consider themselves entitled to overrule the Lord Chamberlain's licence of a play.* I have never known it done.

The truth about the local authorities.

The portion of Mr Byrne's evidence referred to by Mr Harcourt is an important passage bearing on the precise nature of the powers of local authorities to grant, renew, or refuse to renew, the licences of theatres in their jurisdiction.

Mr Robert Harcourt.

142. Are the authorities forced to renew unless cause is shown why they should not? When the licence comes up for renewal, can they refuse to renew it? Have they absolute discretion or not?—There is no direct provision of the law on that subject, but I think that the ordinary common law principle would apply that the action of the Magistrates would have to be dictated, not by caprice or favouritism, or so on, but by reasonable exercise of discretion. In other words, where there is no grave reason to the contrary, a renewal should take place.

143. What is called acting judicially?—Acting judicially.

144. Let us take the case of what the Town Council of Birmingham, for instance, considered a flagrant breach of morals. Have they power to withdraw the licence of a theatre? If they refused, would you consider that they were acting judicially?—They have, if they have attached the power of instant revocation as one of the conditions of the licence.

145. That is not what I am upon. I am not speaking of the question of instant revocation of the licence, but when the licence comes up for renewal, and the authorities consider that the play which has been produced is of a grossly

indecent character, would they be acting in your view judicially if they refused to renew the licence? If they chose to do so, what would you say?—If such a thing occurred, I should take it to be the business of the licensing authority, and certainly such an energetic body as the Birmingham authority would carry it out, to expostulate with the manager and warn him as to what a risk he exposed himself to. If, in spite of serious warnings, he continued to produce a disorderly or indecent play, then certainly it would be proper to withdraw the licence next year, because he is unfit to hold it.

The difference of opinion is clear, and the moral of this difference not far to seek.

Different forms of Censorship.

The managers themselves, discussing the effect of the Lord Chamberlain's licence, dwell not so much on the positive side of their immunities as upon the perils to the business and profession of any system of Censorship after production. Censorship, as we have seen, is not necessarily Censorship of the Lord Chamberlain. Censorship is any form of absolute power over the property and reputation of an individual, unlimited by law, indefinable in practice, undetermined by tradition. Such a form of absolute power is the Censorship of plays, prior to production, by the Lord Chamberlain and his Examiner.

Provincial Censorship.

But the power of local authorities over the licences of provincial theatres and over music halls is quite as definitely Censorship as the power of the Lord Chamberlain. Any authority permitted to act administratively on its own interpretation of vague phrases (*e.g.*, immoral or otherwise improper for the stage, indecent, offensive personalities, calculated to cause a breach of the peace, etc., etc.) is exercising Censorship. The managers, arguing for the Lord Chamberlain's Censorship of plays prior to production, almost invariably assume that, if the Lord Chamberlain's Censorship of plays were abolished, the Censorship of the local authorities would correspondingly increase. Thus Mr Forbes Robertson desires "an amended central Censorship," because he very naturally objects to having "two enormous policemen on the stage during a performance." Mr Forbes Robertson complains: "You never know what local authorities are going to do." This is an admirable definition of Censorship. You never do know what Censorship is going to do. You never know what the Lord Chamberlain is going to do. "I came down to the theatre," said Mr Forbes Robertson at question 1,941, "and found two enormous policemen on the stage during the performance. I was very much amazed. I had never seen such a thing before,

and I asked my manager what the officers of the law were doing there. I said: 'Would you kindly ask them to go away?' And he said: 'I cannot do that; they are here under orders.' I said: 'Whose orders?' And he said: 'The local authorities'.' I said: 'What are they here for?' The manager said to me: 'They are here, sir, to see that no improprieties are committed.'"

Mr Forbes Robertson's two enormous policemen.

The two enormous policemen left so deep an impression upon Mr Forbes Robertson that, despite his difficulties with Mr Redford as to Scriptural plays and his perception as a cultivated man that there is something "unfortunate in the situation" where "The Devil" is licensed and "Monna Vanna" refused, he could still be persuaded that the Lord Chamberlain's Examiner was worthy to be preserved. "Mr Redford," he said, "does not subject me to two large policemen on my stage when I am doing anything." This is perfectly true; but it is no argument for keeping Mr Redford. It does not follow that because Mr Redford's Censorship is abolished the Censorship of local authorities must necessarily be retained. Sir Herbert Tree, in pursuit of his argument, also assumes that he must choose between Mr Redford and the local authorities. "To constitute the local authorities as *censores morum* and com-

mittees of taste," he says at question 2,601, "would be to create a state of things absolutely intolerable to managers and to authors, and would substitute mob law for a beneficent, or at least benevolent, autocracy." Here, of course, the managers are assuming what they ought to prove—namely, that some form of Censorship or unlimited control, whether of plays before production or performances afterwards, whether in the hands of a central or of a local authority, is necessary for the theatre, whereas it is unnecessary for printers, publishers, editors, novelists, preachers, and politicians.

The business difficulty.

The assumption that Censorship or arbitrary control of the theatre of some sort is somewhere necessary is also at the root of the managers' objection as business men to the abolition of the Lord Chamberlain's Examiner. The kernel of the difficulty is in the management of provincial tours. Provincial tours of a play are frequently booked ahead of the London production; and arrangements in the provinces for a successful London play are made for months in advance. The success of a provincial tour depends upon the fulfilment of a carefully-arranged programme of visits from city to city, and a touring company cannot afford to have this programme disorganised by the local authorities. The managers assume in arguing for Censorship of plays

prior to production that if this Censorship were abolished the local authorities would be left with an unregulated power to control the performances of plays within the theatres of their jurisdiction. At present, as we have seen, the unregulated power of local authorities to object to the performance of plays licensed by the Lord Chamberlain exists; but in practice it is not exercised. The local authorities assume that plays licensed by the Lord Chamberlain are clean. They have not threatened the licences of their theatres on account of their performance, and the assumption is that they never will. Managers may therefore with reasonable safety make their arrangements for a provincial tour of a licensed play. If, however, the Lord Chamberlain's Examiner were removed and the present unregulated power of the local authorities remained—if, in other words, the Censorship of the local authorities were substituted for the Censorship of the Lord Chamberlain—the provincial tour would be a very hazardous undertaking. A tour that fell through in a single town or city of the circuit might very possibly be ruined financially for the year.

The managers assume that Censorship of some sort is necessary.

An instructive passage in the evidence of Mr Fladgate illustrates how the managers have approached the difficulty of local Censorship.

Mr Herbert Samuel.

974. What are the reasons why your Association would desire to maintain the present system of licensing plays?—The main reason, putting it briefly, appears to me to be that I cannot conceive but what it is necessary that there should be some control over a play which is publicly performed. That control must be given either antecedent to its performance, or it must be dealt with subsequently to its performance. Let us take the present system, which the managers whom I represent support. There are to them very great benefits and advantages. In the first place, a play which has once been licensed becomes what I would term to the manager a commercial commodity. A manager carries on his business for the purpose of profit; he equally wants to assist dramatic art and to put on productions in a worthy manner; but we must admit that the underlying principle is to get his living. If he has a play which has been licensed before it is put upon the stage, that play has become, as I said, a commercial commodity; it cannot be stopped except by withdrawal of the licence by the Lord Chamberlain himself. And that licence being obtained, extends all over England; consequently it is easy, and is a matter of

everyday occurrence, to send your provincial tour round the provinces and to book your theatre, and you can book your theatre under the present system without fear or difficulty from the local authority, who may be the licensing authority of the theatre. If you do away with that preliminary licence, and if you leave the control of the play to be dealt with after its production—and I am assuming for the moment that you must have some control over it—how is the manager ever to book his tour? Because we all know that local authorities have various views, and, although a play might be received and approved in London, it does not follow that it would be at Manchester, or Liverpool, or some of our other leading towns. That is the first general principle that I should like to put before the Committee on behalf of theatre managers as being a commercial reason why in their interest (and I am speaking in their interest alone now) the licence of a play should be still authorised as a necessity before the production of a play.

975. Your view is that there must be some control, and that it had better be a single control rather than a multiple control?—That is my view.

976. Have you considered the possibility of having some form of single control after the

production of a play ?—I do not think that is a possibility; and if it is a possibility, it seems to me most undesirable. If there is to be a licence, why should you take the chance of a political play which might do very grave harm, a seditious play which might do very grave harm, an indecent play which might do very grave harm, or a play that might be dealing with local affairs being produced, when the harm is done on the production ? It is no use your punishing the manager by fining him £20. What good is that going to do to the State if a political play is produced that might endanger the relations of this country with a foreign country ? Still less is it going to do any good by imperilling the licence of the theatre.

They argue that a Censorship of plays is better exercised before production than afterwards.

Observe that Mr Fladgate begins by assuming that some exceptional form of control (not, be it noted, definite control within the law, but unregulated and arbitrary control—*i.e.*, Censorship) of plays is necessary. He proceeds upon this assumption to argue that arbitrary control of plays is better before production than afterwards, and that it is better exercised as the single arbitrary control of a central authority than the multiple arbitrary control of local authorities. The single central arbitrary control before production insures the manager's property in his

play, and saves the scandal of an *ex post facto* Censorship. Mr Fladgate's argument is entirely convincing; but he has assumed the major premise. He has assumed that Censorship somewhere and somewhen is necessary. His concluding nonsense about "a political play which might do very grave harm, a seditious play which might do very grave harm, an indecent play which might do very grave harm," is merely derivative.

The managers must frankly claim to be above the law.

The managers' argument that the Lord Chamberlain's Censorship of plays, saving them from the Censorship of local authorities, alone makes their profession practicable, disappears if we refuse to allow that Censorship of any kind is necessary either before or after production. If Censorship, or indeterminate control of the local authorities, be abolished with the Censorship of the Lord Chamberlain, the managers can only urge the business argument by frankly admitting that they want the theatre to be, not as at present merely outside the law, but above and beyond it. Frankly, they must insist with Mr Fladgate that the Lord Chamberlain's licence is in their opinion an absolute protection of their plays against police prosecution for indecency; that they think it desirable that this should be so; and that when in 1892 they sent a deputation to the Home Secre-

tary offering to pay £6,000 a-year towards the expenses of a public department, so that Censorship prior to production might be retained, they actually intended at that figure to purchase an immunity from the laws of their country. If the managers are not prepared to rest their case for the Censor frankly on this basis of privilege, they must prove—what, so far, they have merely assumed—namely, that the theatre is an institution so unlike anything else in our public life that it requires a special, extra-legal arbitrary control, for which no analogy is to be found in a country that prides itself upon a strict observance of all the modern democratic pretences of freedom and justice.

Or they must defend Censorship on principle.

Naturally the managers do not care to set themselves definitely above the law. Rightly or wrongly, claims of this sort, unblushingly urged, would lose them their case with the public. They prefer to put up a defence of Censorship. We will for the moment disregard absolutely the statements put forward as self-evident propositions by witness after witness that a Censorship of plays is necessary for the preservation of decency and order in the theatre, and that the present control of the Lord Chamberlain is for these purposes efficient. As pious opinions, conceivably determined by self-interest, these statements are interesting. We will leave it

for the dramatic authors to comment on the Censorship of stage-plays as necessary to guarantee the public a clean drama, immunity from personal defamation, the reverent handling of a lofty theme, or protection of foreign powers from just ground of offence. Since the managers who take this line are content with merely affirming what they say, we will for the present merely contradict what they say, and pass to the argument.

The burden of proof is upon the managers.

Reading the history of Censorship, we saw that up to 1737 pulpit, platform, press, and play were gradually being freed from the Tudor system of arbitrary control which at one time covered the whole life of an English citizen, and we saw that in the period immediately preceding Walpole the theatre was slipping from tutelage, if anything faster than any other form of literary activity. But Walpole pulled up the movement of the theatre towards emancipation, restored the practically disused prerogative powers of the Lord Chamberlain, and gave them a statutory sanction. The concurrent streams of thought flowed on free of restraint: the theatre was arrested. It was found that, on the whole, the ordinary law had best be trusted to keep within the bounds of decency politicians, preachers, lecturers, novelists, and poets. The principle was in their case

accepted that offences should precede penalties, that penalties should be reasonably in proportion, and that offences should be ascertainable as clearly as the words of a lawyer and the reading of precedents could make them. It was not argued, since a political article printed in a newspaper with a circulation of half-a-million might involve England in war with a foreign power, that therefore the press should be kept within the jurisdiction of the Sovereign in Council. It was not argued, because a novelist might write a book unfit to be read by young women and boys, and because under cover of a moral or artistic purpose he might deliberately pander to a taste for obscenity in a limited few, that therefore novelists should be put outside the jurisdiction of magistrates and handed over in reputation and property to the unregulated verdict upon their work of a bank manager. It was not argued, because a pulpit in the open park might be used to instigate the populace to indiscriminate acts of robbery or sexual vice, that therefore every citizen who desired to address his fellows on a subject of political, religious, or moral importance should first submit what he had to say to an officer with unlimited power to suggest the elimination of passages with which he did not agree, and with absolute discretion to forbid a delivery of the

whole. It was not argued, because a university lecturer in modern history might comment, possibly in unfavourable terms, upon the domestic difficulties of George IV., that therefore he should be compelled previously to obtain—say from the local ironmonger—a licence for every lecture delivered in a public hall; or, in default of this, that he should be perpetually incommoded by the presence beside his desk of two enormous policemen. Government, in fact, had come to recognise that in these matters the public could very well look after itself; that, Censorship or no Censorship, it would always manage to read the books and hear the lectures which it deserved to read and hear; that its best remedy against the novelist was not to read his books, and its best remedy against the orator was to move on; moreover, that in gross cases of offence against the public standard punishment and retribution were best left to the coarse intervention of enormous policemen, acting of their own motion, unstimulated by any specially-devised extra-legal authority. In a word, the history of thought during the last two hundred years is definitely in the direction of setting it free from State control within legal limits. Only the theatre, for the special historical reasons discussed at the beginning of this essay, remained unaffected by the revolution of

attitude. Clearly, then, it is for supporters of a theatrical Censorship to show cause why the theatre should remain in this exceptional position. Censorship is an anachronism perpetuated into modern times as the result of a historical accident. It can only reasonably be supported either by some one prepared to say that books, sermons, speeches, articles, and lectures should be censored as well as plays, or by some one prepared to argue that plays are in quite a different category from books, sermons, speeches, articles, and lectures. Since no one to-day would venture on the first alternative, it follows that theatrical managers, in defence of theatrical Censorship, must be ready and able to show that the theatre is different from the press and the platform, and that it requires special extra-legal treatment.

The heart of the position.

Obviously this is the heart of the position; and we must approach it both from the point of view of the theatrical managers and of the dramatic authors. Most assertions of the managers in their defence of Censorship on merits derive logically from this main assumption. The derivatives will be touched on repeatedly by the dramatic authors themselves; but we must deal carefully and at once with the main position.

The novel and the play.

The evidence of witnesses before the Joint

Select Committee is more contradictory on this point than almost any other. It is not a plain issue between managers and authors. Thus we find Sir Herbert Tree, Mr G. K. Chesterton, Sir William Gilbert, Mr Walkley, and Mr Comyns Carr, who differ among themselves as to the Censor, agreeing among themselves that the presented play is more in need of control than the printed novel; whereas we find Mr Hall Caine and Professor Gilbert Murray united in a temporary league for their discomfiture. One thing, however, emerges satisfactorily from the confusion of issues. Every suggestion made to the Committee on this particular point on one side or the other easily goes to show that offences against decency in the theatre must far more readily correct themselves, and far more easily be brought within cognisance of the law, than offences against decency in any other form of artistic effort. Reducing the argument to its simplest terms, every one would admit that whereas a rape could not conceivably be perpetrated upon the stage of a theatre, it can and frequently is perpetrated within the pages of a novel.

Eliza's bath.

It is perhaps one of the strangest features of the Censorship Blue-book that the precise physical facts which make extra-legal control of the stage less necessary from the public point

of view than extra-legal control of the press, or of literature, is actually used by advocates of Censorship as an argument in the opposite sense. Thus Sir William Gilbert, at question 3,465, says quite correctly : "There is a very wide distinction between what is read and what is seen. In a novel one may read, 'Eliza stripped off her dressing-gown and stepped into her bath,' without any harm ; but I think if that were presented on the stage it would be very shocking." Does Sir William Gilbert conclude that the Censor is necessary to lead Eliza beyond public view to the bathroom ? Eliza stripping off her dressing-gown and stepping into her bath would be an intolerable spectacle for a public audience ; and the police have summary power to arrest Eliza should she be a person insanely afflicted into supposing that the intimacies of her toilet are of public interest. No Censorship of plays is necessary to protect the public from witnessing an indecent exposure. Censorship of the novel would in comparison be an arguable advantage. The novelist could not only put Eliza into her bath, but for the delectation of the limited public that buys indecent literature, he could linger upon Eliza in her bath for any length of time, and his offence might be very difficult to bring home as an indictable breach of the common law. Yet

the majority of people now agree that the offences of the pornographic novelist are best left to the police. He is therefore exempt from Censorship. *À fortiori* the theatre should be exempt.

Naked beneath her cloak.

Mr Comyns Carr, arguing for Censorship, arrives at the same absolute *non sequitur* as Sir William Gilbert. Thus, at question 4,687, he says: "I cannot conceive anybody contemplating either a printed book or a picture as being on the same lines or as standing in the same position as an acted play. For instance, if you take the *Venus and Adonis* of Titian in the National Gallery, I regard it in its right place there, and as being without offence; but if it were represented on the stage, I cannot conceive that there would be anybody who would not think that it gave offence. If I may be allowed to do so, I will refer to another instance which has been already considered by the Committee, and that is the case of 'Monna Vanna.' I do not wish to pronounce any judgment on 'Monna Vanna.' The essential position in 'Monna Vanna' is a woman's surrender of her honour as the price of saving the starving people of the town, but the author has added to the central situation a picturesque detail. It is part of the bargain which the conqueror exacts that she should appear in his tent naked

under a cloak. Now in the written book that seems to be a matter entirely without offence, imaging rather a barbaric time; but when it is transferred to the stage I think it might well make the Censor pause as to whether that particular detail, which is insisted upon by the author, does not render it questionable whether the incident in question should be presented on the stage."

The Censor is unable to read a stage direction.

We no more want a Censorship of plays to prevent people from posing as Venus and Adonis upon the stage than we want a Censorship of costumes to prevent people from walking in Hyde Park independently of the tailor. As to "Monna Vanna," there could never possibly have been the least difficulty about the play had there not been a Censor. "Monna Vanna" would be seen by the audience entering the conqueror's tent. Either she would be dressed, and like everybody else in the theatre would be naked beneath her clothes, or she would not be dressed. In the one case no one could reasonably be offended; in the other case the actress would be subject to arrest for indecency under the common law. Unfortunately the Lord Chamberlain's Examiner of the period, not being exceptionally clear-headed, was extremely puzzled by a stage direction. He misread "naked beneath her cloak" as an equivalent for

"insufficiently attired." As it happened, the author did not mean to indicate that "Monna Vanna" was insufficiently attired. He meant to indicate that his heroine was decently and adequately attired, albeit in a single garment; but that she came to the conqueror's tent symbolically prepared to endure the surrender of her body to the conqueror if she might thereby save her people.

Mr Chesterton on the difficulty of exit.

In the evidence of Mr Chesterton the topsy-turvy argument that, because intolerable things are less tolerable in the theatre than in a book, therefore a Censorship is more necessary for the first than for the second, takes a slightly different form. Ultimately Mr Chesterton's argument resolves itself into a contention that a Censorship of the theatre is necessary because the theatre is insufficiently provided with exits. If intolerable things on the stage are less endurable by the public than intolerable things in a book, obviously a manager will be less likely to inflict them upon his customers than a publisher. Mr Chesterton seems to admit this, and he is reduced to arguing that the essential point about a theatre which makes a Censorship necessary is that once in a theatre it is not easy to get out again. Most reasonable people would take this for an argument, not that there should be a Censorship, but that theatres should

be sensibly constructed. It is perfectly true that as theatres are built at present it is scarcely possible for any one but a trained athlete of exceptional assurance and obstinacy (prepared to discompose the majority of members of the audience in his immediate neighbourhood) decently to abandon a central position in any part of the house. Mr Chesterton makes of this an argument for Censorship. "Why do you consider that any Censorship is necessary?" asked Mr Herbert Samuel at question 6,162. Here is the essential part of Mr Chesterton's answer: "If a person has an enormous building which is practically considered to be as hospitable as Westminster Abbey or Trafalgar Square, and enormous numbers of people crowd into that expecting to see a play, then I think you have a right to demand a slightly more severe consideration of the young person, as she has been called. I do not know why she should be referred to so contemptuously in all this discussion. She is the virgin of all Christian history, about whom so many poems have been written. But, anyhow, whatever she is, I think you have a right to demand that anything that is acted in something corresponding to Trafalgar Square should be under somewhat more severe limitations than a book. After all, you read two or three pages of a book and come to the conclusion that

you do not like it. You shut it up, and you throw it into the dustbin—at least that is what I do with most modern books. But if you are wedged in in a great theatre, it is by no means the same thing. The thing is public in its nature. You have called a great crowd together. They cannot separate easily, and if it be considered, as I think it is, that you may in the pursuance of a perfectly sincere ideal subject them to certain horrible pains or a sense of ignominy, I think it is reasonable to say that there should be some kind of superintendence beforehand. So far I am with the Censorship. I think that what makes the difference between the drama and all other kinds of art is that you crowd a mass of people together, not as you would crowd them in the streets, but as you would crowd them in a prison, in such a manner that it is humiliating for anybody to make any protest. It is at least embarrassing. Therefore I do think that the State has a right to exercise an authority over what shall be presented upon vast public stages before large numbers of people who have come there to be amused. I think it has a right to exercise that power before the event."

Mr Chesterton confutes himself with an extreme instance.

Mr Chesterton continues the argument at question 6,164, reducing it to absurdity: "Suppose that a man, in the sincere fulness

of his desire to denounce some oppression, such as the Russian oppression, or what is far worse, the Irish oppression, should exhibit before the world somebody being tortured or somebody being flogged in one of our prisons, the horrible agony of the situation, the screams and indecency, would surely be such as would inflict violent pain on large numbers of ordinary people in the audience. But would they object? They might try to get out. It seems to me that it is a different thing from the case of a book. If I open a book which is all about tortures, I shut it up again, but how am I to shut up a theatre?"

Sir Herbert Tree's "letters of fire."

Sir Herbert Tree was questioned as to the difference between plays and books, and the precise bearing of this difference upon Censorship, at question 2,662:—

Lord Gorell.

2,662. We have had some evidence before us as to there being no difference, in the opinion of some witnesses, between the way of dealing with a play and the publication of a book. I should very much like it if you, with your very great experience, would give us your views about that?—Of course in reading a book you are by yourself, and you can carry it away;

but if you are sitting in a theatre, a passage which I may read quite in a common-place way comes out in letters of fire on the stage. You may not notice a thing so much in a book, but the perspective of the stage enlarges everything, and it becomes more, as I say, letters of fire.

Sir Herbert Tree's "letters of fire," offered as an argument for Censorship of the theatre, are precisely the reverse. It is exactly these "letters of fire" which bring offences in the theatre more easily within cognisance of the police than offences in a printed book, and which naturally safeguard the public more effectively in the theatre than in the press.

Mr Walkley's disgraceful evidence.

In the capable hands of Mr Walkley the argument took another turn. But the application just as easily turns against him. Mr Walkley appeared with an elegant dissertation upon the psychology of crowds. The effect of this psychology is to make a Censorship of plays necessary, whereas books may safely be left to look after themselves. The argument is so pitted with absurdities that half-way through Mr Walkley is compelled helplessly to confess that it logically drives him to a Censorship of political meetings, not to mention lectures and sermons. Mr Herbert Samuel is examining Mr Walkley at question 3,573. Mr Walkley says: "I think there can be no difference as to the

main characteristics of the crowd, because those peculiarities are matters of common knowledge. Putting it briefly, a crowd is a new entity, differing in mind and will from the individuals who compose it ; just as if you mix up two chemical elements you get a new compound, if you mix up oxygen and hydrogen in certain proportion you get an entirely different thing—namely, water. Another peculiarity is that the intellectual pitch of the crowd is lowered and its emotional pitch is raised. It takes on something of the characteristics of a hypnotised ' subject '—that is to say, it is peculiarly susceptible to what hypnotists call ' suggestion.' It tends to be irrational, excitable, lacking in self-control. You get innumerable instances of that in history—for example, in the French Revolution, where men in crowds committed horrible excesses which they could not account for afterwards. They were individually peaceful and harmless citizens, and the strange thing that had happened to them was the peculiar, magnetic, contagious influence of the crowd."

The evidence continues :—

Mr Herbert Samuel.

3,574. If you had to take into account as a matter of importance what M. Le Bon calls "La Psychologie des Foules," would you not

have to apply a Censorship to public meetings also ?—I am not sure that I would not. I have not studied public meetings ; I have no interest in them outside the theatre ; but I think logically the principle, and we are for the moment discussing first principles and the logic of the matter, would apply to public meetings.

. . . . . .

3,577. Is that difference in effect due, in your opinion, to the fact that people are gathered together in a multitude, and a multitude has a different personality from the sum of the personalities of the individuals who compose it ?—Precisely.

3,578. Or is it due to the fact that in the case of a book the individual is merely faced by the printed page, words in black and white on a sheet of paper, while in the theatre the individual is faced by the living personality of the actor ?—Partly that, but mainly because if you hear uttered on the stage the same words that you have been reading privately in your study, the effect is nevertheless different because of the peculiar influence of the crowd. For instance, to read something obscene may do you as a private individual reader a certain amount of harm ; it will do you much more harm, I submit, if you listen to those indecent

words being uttered in the company of some hundreds of other human beings. The thing then becomes a scandal. My own sense of shame would be very greatly increased. I might blush at something I read privately; but I should probably be confounded with the greatest possible shame if I had to listen to those very words in the miscellaneous company of hundreds of playgoers.

The psychology of crowds an additional safeguard against indecency.

We see that as soon as Mr Walkley is reduced to explaining definitely to the Committee the precise effect upon himself of being one of a crowd in a theatre he falls into exactly the argument we have already heard from Sir Herbert Tree and Sir William Gilbert. Indecent books which are not subject to Censorship may be read privately with a gentle blush; indecent plays confound the onlooker with the greatest possible shame. Surely this shows that indecent plays may more safely be left to the public's sense of decency and the managers' anxiety not to offend it.

Mr Walkley and Sir George Alexander are companions in a forlorn argument.

There is a minor or derivative absurdity which Mr Walkley was compelled a little later to accept under cross-examination. In a slightly different form we have already heard it from Sir George Alexander. If this collective psychology of audiences is a genuine argument for Censorship, is it not a powerful argument for

making the manager, whose whole livelihood depends on his reading it correctly, responsible for the effect of his productions? Surely the manager from this point of view is the best possible Censor, and should be compelled to accept the responsibility. Mr Walkley heroically defends his position, but is finally driven completely to shift his ground, rapidly pursued from the field by Mr Alfred Mason.

Mr Alfred Mason.

3,651. I want to ask you a question or two about your principle with regard to this theory of the emotion of the crowd. I think you told Lord Ribblesdale that the difficulties of anticipating what the emotion would be are not very great?—Yes.

3,652. Or any ordinary man of the world might do it?—I think so.

3,653. Would not a manager from the business of his life be likely to be better versed in the knowledge of the crowd than an ordinary man of the world?—The manager is in a peculiar position; he is not sitting in the front, he is not a member of the public, he has many other interests, which the public have not; he has the bias of his profession, the peculiar drawbacks of his profession. I am not inclined to agree

that a manager would be so good a judge of the possible view that a crowd would take of a play as a man habitually sitting in front would be likely to be.

3,654. You would not think that a man whose business it was to anticipate the emotion of the crowd would be a better judge?—Certainly he must take into account when he is considering the acceptance of a play: is it likely to excite pleasurable emotion in that crowd or not.

3,655. His whole life would be training towards the knowledge of how the crowd would be likely to behave, would it not?—To that extent you are right; but I have given you the other side of the matter—that he is at the same time apt to take a peculiar view; and the proof of that is that managers, as we all know perfectly well, make extraordinary mistakes; they announce beforehand that they have a play which is going to be a great success; they go round indiscreetly and tell all their friends; and that play—I have seen it and you have seen it over and over again—is a failure.

. . . . . .

3,660. I am rather asking you how on your evidence any Censor can be a better judge of a play than the manager who produces it, taking the emotion of the crowd as the basis?—But granted that he is not a better judge, what then?

3,661. Then if you grant that he is not a better judge, is there any further reason for the existence of the Censorship ?—Certainly ; because you are making the manager the judge of his own cause.

3,662. Then you are putting it on to another ground, are you not ?—Yes ; but there is that ground. It makes all the difference in the world between the manager and an outside Censor.

3,663. But you are putting it on grounds not at all connected with his qualifications for judging as to the play ?—Yes.

Mr Walkley retires with dignity.

Mr Alfred Mason pressed Mr Walkley hard on the comparative harm of indecent plays and indecent books—a piece of cross-examination which is a good introduction to the evidence of Mr Gilbert Murray and Mr Hall Caine, who on this particular question ably opposed the witnesses we have already heard. Here Mr Walkley is not so obviously driven from the field. He retires with dignity, after practically admitting that his main objection to witnessing accidentally an indecent play was that it would undoubtedly make him feel very much more uncomfortable than accidentally reading an indecent book. But, after all, concludes Mr Walkley, what does it matter ?—which is precisely the burden of Mr Walkley's evidence.

Mr Alfred Mason.

3,664. I think you told us that a man reading an indecent book would be less harmed than a man seeing an indecent play on the stage in the company of other people ?—Yes.

3,665. Your point was that it would produce a sense of shame ?—Yes.

3,666. Would not that sense of shame have rather a preventive effect, would it not rather prevent you from doing it again ? Would it not have a deterrent effect, which would not be present in the case of reading a book ?—Do you think it is well that the first-night audience should be scandalised in order that the second-night audience may be improved ?

3,667. No, I was only just taking your putting a book and play on a different basis—that it would do you less harm to read a book of that character privately than to see it on the stage, because of the sense of shame which would be produced. Would not that sense of shame be, on the other hand, rather an advantage ?—To me ?

3,668. Let me put it in this way : Would it not be less deleterious to see a play that produced a sense of shame in you because you would not go back and see it again owing to that sense of shame, than to read a book privately, where

no sense of shame is produced?—I think not. I think if I sit out a performance among hundreds of people looking one another in the face, listening to something obscene, it is a scandal; that to take part in an evening of that kind would be a shameful thing—a more shameful thing than to sit in your own room reading something indecent. I do not think that would improve it; I do not think it would have a moralising effect; I think it would have a hardening effect and a bad effect.

3,669. Would not that feeling be so present in the producers of plays that plays of that character would not be produced?—There is something in that. That is one of the reasons that I had in my mind when I said, would it so very much matter, need we trouble so very much about these anticipated breaches of "good manners, decorum, and the public peace"? I rather think that is so.

Professor Gilbert Murray discourses upon Mr Walkley's "violent emotion."

Professor Gilbert Murray accepts Mr Walkley's premises, but realises that they lead to the strictly opposite conclusion.

Mr Herbert Samuel.

3,870. You have formed a strong opinion on the question of the principle of the Censorship?—Yes. It seems to me that on principle it is

totally indefensible and even, I may almost say, absurd. No other art at all is subjected to any restriction like that to which plays are subjected, and I do not see that the special reasons alleged for putting the dramatic art under those restrictions really hold. A play before it can be produced has to be submitted to a certain official, who acts entirely at his own discretion, not in what one may ordinarily call a legal way, who has a sort of absolute executive power of preventing the play being acted, and from whom there is practically no appeal. I think that if you try to suggest the same restriction in the case of any other art—in the case of pictures, for instance—the result is almost grotesque. The suggestion that before a picture can be exhibited to the public there should be some one individual who should just form his personal opinion of whether it was a suitable picture to be exhibited or not is grotesque.

3,871. Do you draw no distinction between the exhibition of a picture and the performance of a drama? — There are certain distinctions, of course, but they seem to me to be distinctions of detail. The same thing applies to books.

3,872. Should you say that things which can be properly presented to the public in the form of pictures can consequently be properly

presented to the public on the stage?—Not by any means the same things. I take the picture merely as an illustration. I think the analogy is nearer to literature.

3,873. But taking either the picture or literature, cannot you conceive very many cases in which it would be quite proper to exhibit in public certain things in a picture gallery or to describe them in a book, which, if they were performed upon the stage, would be in the highest degree indecent and objectionable?—Certainly. I am very strongly of that opinion, and I agree in general with what various witnesses have said—for instance, Mr Walkley this morning; but I deduce rather the opposite conclusions from it. People have pointed out that an improper or indecent incident can be so represented in a book that it does not produce any violent shock. I think that the moral harm that is done is probably quite as great, or rather greater, because it has time to sink in; but it does not produce a moral shock. They argue from that that therefore the thing should be forbidden in the theatre. I think that really in the theatre the presence of the crowd is a defence—that the theatre defends itself. The presence of the crowd is no doubt the important thing. If you try to do anything markedly indecent or objectionable in a theatre, I think

there is instantly a feeling of revulsion. There is a feeling of obvious shock. Mr Walkley, for instance, suffers violent emotion. I think that the danger defeats itself. My argument in general from that (I am sorry to be so prolix) is that on the whole, if any distinction is to be drawn between the freedom of the press and the freedom of the stage, probably actual moral harm is more likely to be done by the press than by the stage.

Mr Hall Caine on "Eliza's bath."

Professor Gilbert Murray ably deals with Mr Walkley. Mr Hall Caine deals with Sir William Gilbert. Mr Hall Caine, apropos of Eliza and her bath, says at question 5,556 of the Report: "Sir William Gilbert used an illustration that was, I think, an extremely unfortunate one. He said that Eliza may be said in a novel to slip off her dressing-gown and get into her bath, but that we cannot allow that on the stage. I should say that the only effect of the scene on the stage would be that the poor actress would go off amid a roar of derisive laughter. It would not be fear of the Censorship, but fear of prosecution for indecent exposure that would operate in her case." That is to say, fear of the public and fear of the police, as we have already argued, is stronger protection of an audience against an indecent play than of a reader against an indecent novel.

Mr Hall Caine clinches the argument.

Mr Hall Caine's evidence is on this point extremely good. In a later passage he develops his statement :—

Mr Herbert Samuel.

5,560. Coming back to the point whether there is any difference between the drama and the novel, and, if so, on which side the difficulty lies, do you really seriously contend that a scene of the kind suggested by Sir William Gilbert is improper in the novel, but proper on the stage ?—No. I say that it would do more harm in the novel than it could possibly do on the stage.

5,561. The reason being that the scene could not conceivably be pourtrayed on the stage ?—It could not conceivably be pourtrayed on the stage, and the scenes that I have referred to from "Madame Bovary" also could not conceivably be pourtrayed on the stage.

5,562. That confirms the view that there are things which may be pourtrayed in a novel which cannot possibly be performed on the stage ?—Much more harmful things can be pourtrayed in a novel than can be put on the stage.

5,563. The same thing may appear in a novel and yet be impossible of performance when it is

put on the stage?—The same thing becomes a somewhat different thing. All that is mischievous in it, if there is mischief in it, has been withdrawn before it can appear on the stage.

5,564. Before it can appear?—Yes.

The passage of evidence in which Mr Hall Caine has referred to "Madame Bovary" is as follows:—

Mr Herbert Samuel.

5,533. Should you say that any of the scenes in "Madame Bovary" are suited for production on the English stage because the tendency of the book is good?—I say that the scenes of immorality depicted in "Madame Bovary" are such as would be quite useless on the stage, and produce no evil effect whatsoever. Naturally that part of the scenes which concerns absolute indecency would be impossible on the stage.

5,534. That is the point. Suppose that a play of that character with a moral tendency were submitted to the Censor, and, although its tendency were moral, it contained scenes of indecency, should you say that it would be right or wrong to prohibit the performance of those scenes?—If it contained scenes of indecency, then I should say that it would be quite right to prohibit them.

5,535. In spite of the fact that the tendency of

the whole play was good?—If the scenes were absolutely indecent. If, for example, "Monna Vanna" were brought on to the stage naked, although I should hold that that play has, as a whole, an extremely moral tendency, that scene I should say is indecent, and, therefore, the play ought to be prohibited.

Conclusion.

Mr Hall Caine's plain, common-sense statement as to the real bearing of the difference between books and plays should satisfy the most reluctant of believers in the power of authors to take a reasonable view of things. The Censor's friends, even when they are helped by the Censor's opponents, fail to hold the centre fortress of their position. Being unable to show cause why the theatre should be excepted from the general scheme, they must fall back upon mere affirmation that the Lord Chamberlain's Censorship is a guarantee to the public of a decent stage, and to themselves of a livelihood reasonably assured.

CHAPTER IV

THE DRAMATIC AUTHORS

On the passing of Walpole's Act in 1737 Henry Fielding turned from the theatre in disgust. Lord Chesterfield's prediction in the House of Lords as to the effect of the Lord Chamberlain's arbitrary Censorship of the theatre was thereafter fulfilled. Nevertheless, the managers who appeared in defence of Censorship before the Joint Select Committee of 1909 maintained almost to a man that the Lord Chamberlain's Censorship had not had a detrimental effect upon English drama. Sir George Alexander, as we have seen, flatly denied injury to the drama from Walpole's amended statute. Confronted with Mr Galsworthy's list of writers —Dickens, Thackeray, Scott, Meredith, Eliot, the Brontës, Jane Austen, Trollope, Gissing, Stevenson, Keats, Wordsworth, Shelley, Byron, Browning, Tennyson, the Rossettis, Swinburne, Morris, Carlyle, Ruskin, Pater, Symonds, Samuel

Lord Chesterfield's prediction.

Butler — Sir George Alexander protested, "What has poor Lord Tennyson done?" and offered Bulwer Lytton as a candidate for first-class honours. But the question cannot be thus settled by bandying great names one against another. Byron, Shelley, Browning, Tennyson, and Swinburne all wrote plays. The point is that, although they wrote plays, they had no intimate connection with the theatre. They were in no sense a product of the theatre or of a dramatic movement. The theatre as a school of thought, as an impulsive inspiration, died with Fielding's desertion. The contention of the managers that the theatre has suffered no injury from Censorship was reduced to absurdity when Sir Arthur Pinero, in celebration of Robert Browning's centenary in May 1912, was able to appear before a respectable audience of literary gentlemen, and to maintain on the strength of the poet's divorce from the mechanical requirements of the Censor's theatre that the author of "The Ring and the Book" was not a dramatist. It is true that Lord Tennyson wrote for the theatre; but he was not inspired by the theatre. He turned to the theatre as Byron did—a virtuoso adding, not very successfully, to his range.

The impulse from European dramatic literature.

While in England the theatre was being fed mainly by a specialised class of clever playmakers,

in Europe the theatre was the life and soul of important movements in art and thought. In Scandinavia, Ibsen and Strindberg; in Russia, Tchekoff, Gogol, Gorki, and Tolstoi; in Germany, Wedekind and Hauptmann were producing a body of dramatic literature with which there was nothing in the English theatre to correspond. The present agitation in England against a Censorship of the theatre is indirectly the result of this European dramatic movement. A small group of English dramatic writers, knowing what was being accomplished elsewhere, began seriously to turn to the theatre, which Fielding and his contemporaries had contemptuously abandoned. Immediately they discovered that Fielding was right. Art, philosophy, sociology, economics, morality, religion — they found almost at once that an honest and original thinker adventured here at his peril. The Censor's rod, which had for years remained quietly in pickle in the absence of any great or original dramatic literature, was suddenly produced, and fell with amazing thunder on the casque of the adverse, pernicious enemies of truth and morality as interpreted by the Lord Chamberlain's Examiner of Plays.

The impulse from critical sociology.

The introduction into England of the plays of Ibsen was not only important artistically; they not only re-awakened the attention of

serious authors to the theatre as a noble instrument of expression—they also happened to run with the main current of the age. No serious form of literature can to-day escape the impulse towards a criticism of society and its standards. The British theatre before Ibsen was unaffected by the impulse towards critical sociology which began with the later novels of Charles Dickens, simply because it was intellectually and artistically extinguished under the Lord Chamberlain's Censorship. As soon as the British theatre began tentatively to come into the main stream of European thought, what Mr Bernard Shaw has called the "conscientiously immoral" play was inevitable, for nine-tenths of the European literature since 1890 which counts is conscientiously immoral. The battle with the Censor had to be fought as soon as a dramatic writer abreast of the thought and spirit of the time attempted in Britain to follow the lead of Tolstoi, Ibsen, or Wedekind. The re-awakening of the British theatre is, in fact, contemporary with the agitation against Censorship. Its first sign of recovery was the solitary appearance of Mr William Archer before the Committee of 1892 as a witness against the Lord Chamberlain. Between 1892 and 1909 the witnesses had swelled to a host.

The solidarity of the opposition.

The group of dramatic authors actually affected by Censorship of the theatre—affected in the sense that their livelihood is imperilled and their work under a perpetual risk of mutilation and defeat—is small. Nevertheless, the dramatic authors are solidly opposed to Censorship, and extremely sensible of the humiliation and outlawry of their position. Sir Arthur Pinero has never had the least difficulty with the Lord Chamberlain's Examiner. His interests as a man of business, like the interests of the great majority of successful playwrights, are identical with the managers' interests. It is to the interest of Sir Arthur Pinero that his plays should be insured against police and public; that they should run smoothly through the provinces, and pile up percentages or royalties as the case may be. But Sir Arthur Pinero cannot help seeing that, though with Mr Barrie and Mr Jones he is personally fortunate in having little or nothing to fear from the Lord Chamberlain, the present system of licensing "operates as a depressing influence on a body of artists as fully alive to their responsibilities as any in the country"; that it "degrades the dramatist by placing him under a summary jurisdiction otherwise unknown to English law"; that "we are entering upon a period of new fertility and dignity and power, and that this development

must be seriously impeded by the continuance of an irresponsible Censorship." The opposition to the Lord Chamberlain's Censorship is not, in fact, the opposition of a clique. The humiliation is keenly felt by every dramatic writer of consequence, and their indignation is shared by authors who have never written for the theatre, and do not intend to begin till they can do so without putting themselves beyond protection of the law.

The effect of Censorship upon dramatic authors.

It is impossible to measure accurately the effect of the theatrical Censorship upon the theatre. But no one can read the evidence, either of authors who have actually come into conflict with the Lord Chamberlain or of authors who have not of themselves been affected, without realising that the mischief certainly does not end with the number of plays refused. As Mr Archer pointed out at question 658, the effect of Censorship is "to depress and to mutilate and actually to keep out of existence—not only to destroy, but to keep out of existence—serious plays; because many authors will not write serious plays under the threat of having them destroyed by a single act of the Censor." Mr Galsworthy is himself an example of the Censor's influence in keeping plays actually out of existence. Mr Galsworthy has never had a play censored, and the fact is sometimes

used for what it is worth by the Censor's friends. But Mr Galsworthy, at question 2,261, told the Joint Select Committee of a play he had not yet written, because, though it was in his opinion quite legitimately suited for presentation upon the stage, he felt instinctively that the Lord Chamberlain's Examiner would not agree. Nor does this crude example of the way in which Censorship may act as a deterrent upon authors by any means exhaust the mischief. The indirect mischief is more subtle and infinitely greater. As Mr Galsworthy puts it: "An imaginative writer must demand that he should handle his emotions, his feelings, and his thoughts freely; and this arbitrary Censorship is always, as it were, saying to an imaginative writer — 'You must not freely handle your emotions; you must touch them only with the tips of your fingers.' It is a very difficult thing to explain to any one who is not an imaginative writer, but I think there is no doubt whatever that the Censorship does have that indirect effect upon the writing of the creative artist."

Mr Galsworthy appears with instances.

Mr Galsworthy, at question 2,262, read to the Joint Select Committee letters from Mr Thomas Hardy, Mr Henry James, Mr H. G. Wells, Mr Zangwill, Mr Arnold Bennett, Mr Joseph Conrad, and Mr Maurice Hewlett. Mr Zangwill, as we shall see, appeared in person

before the Committee as a determined opponent of Censorship. Mr Hewlett answered, a little hastily, that he objected to interference from the Censor less than he would object to interference from the County Council or the police. He would perhaps have answered rather differently had he realised that he was under no necessity to choose between Censorship of the Lord Chamberlain and Censorship of the local authority, and had he reflected that in the absence of either form of Censorship the police might conceivably be fenced from arbitrary interference and restricted to enforcing the law. However, if needs must be, we will make the Censor's friends a present of Mr Hewlett.

Collected depositions of Mr Galsworthy.

Here are the five important letters of Mr Hardy, Mr James, Mr Wells, Mr Bennett, and Mr Conrad, with Mr Galsworthy's prelude. Mr Galsworthy is answering Lord Plymouth. "I have had many conversations, of course, with literary men upon this point during the last two or three years, and have drawn the same conclusion from practically all these conversations; and I have also letters from literary men. I have asked them this question: Would you consider that, besides being a standing insult to your good feeling and sense of duty to the public, an arbitrary Censorship tends directly or indirectly to deter men of letters who have

other forms in which to express themselves from writing for the stage — that it is, at all events, one of several deterrent factors? I asked that question of seven of the most leading imaginative artists of the day, and I have received the following replies:—*Mr Thomas Hardy* wrote: 'All I can say is that something or other—which probably is consciousness of the Censor — appears to deter men of letters, who have other channels for communicating with the public, from writing for the stage. As an ounce of experience is worth a ton of theory, I may add that the ballad which I published in the *English Review* for last December, entitled "A Sunday Morning Tragedy," I wished to produce as a tragic play before I printed the ballad form of it; and I went so far as to shape the scenes, action, etc. But it then occurred to me that the subject—one in which the fear of transgressing convention overrules natural feeling to the extent of bringing dire disaster—an eminently proper and moral subject—would prevent me ever getting it on the boards; so I abandoned it.' *Mr Henry James* wrote: 'I answer your appeal on the Censor question to the best of my small ability. I *do* consider that the situation of the Englishman of letters ambitious of writing for the stage has less dignity — thanks to the Censor's arbitrary

rights upon his work—than that of any other man of letters in Europe, and that this fact may well be, or rather *must* be, deterrent to men of any intellectual independence and self-respect. I think this circumstance represents, accordingly, an impoverishment of our theatre ; that it tends to deprive it of intellectual life, of the *importance* to which a free choice of subjects and illustration directly ministers, and to confine it to the trivial and the puerile. It is difficult to express the depth of dismay and disgust with which an author of books in this country finds it impressed upon him, in passing into the province of the theatre with the view of labouring there, that he has to reckon anxiously with an obscure and irresponsible Mr So-and-So, who may by law peremptorily demand of him that he shall make his work square at vital points with Mr So-and-So's personal and, intellectually and critically speaking, wholly unauthoritative preferences, prejudices, and ignorances, and that the less original, the less important, and the less interesting it is, and the more vulgar and superficial and futile, the more it is likely so to square. He thus encounters an arrogation of critical authority and the critical veto, with the power to enforce its decisions, that is without a parallel in any other civilised country, and which has in this one the effect of relegating the theatre to

the position of a mean, minor art, and of condemning it to ignoble dependencies, poverties, and pusillanimities. We rub our eyes, we writers accustomed to freedom in all other walks, to think that this cause has still to be argued in England.' *Mr Wells* wrote: 'The Censorship, with its quite wanton power of suppression, has always been *one* of the reasons why I haven't ventured into play-writing.' . . . . *Mr Arnold Bennett* wrote: 'Most decidedly the existence of the Censorship makes it impossible for me even to think of writing plays on the same plane of realism and *thoroughness* as my novels. It is not a question of subject, it is a question of treatment. Immediately you begin to get *near* the things that really matter in a play, you begin to think about the Censor, and it is all over with your play. That is my experience, and that is why I would not attempt to write a play, for the Censor, at full emotional power. The Censor's special timidity about sexual matters is an illusion. He is equally timid about all matters, and in the very nature of his office he must be. I hate to give reasons for my dislike of a dramatic Censorship. I regard it as monstrous and grotesque and profoundly insulting, and to condescend to reason against a thing so obviously vicious humiliates me.' *Mr Joseph Conrad* wrote: 'I have just received

your letter. You know my feelings as to the Censorship of plays. I have always looked upon it with indignation. It *is* an outrage upon the dignity and honesty of the calling. But whether a dramatic author is ever deterred from producing good work by the existence of the Censorship, I cannot say. I am certain that he may be shamefully hindered, and that such a situation is intolerable — a disgrace to the tone, to the character of this country's civilisation.' "

Sentimental objections are practical objections.

Mr Galsworthy did splendid service before the Committee in bringing out more clearly, perhaps, than any other witness the extent to which indirectly Censorship has acted as a sterilising influence upon the theatre. What have frequently been described as the sentimental objections of authors cannot be dissociated from the practical objections. As Mr Galsworthy points out : " A sentimental reason may also be a very practical reason when it comes to the point. In dealing with creative and imaginative authors you are not dealing with ordinary hard-headed, practical business men ; you are dealing with men who have to work with their emotions and their feelings and their thoughts ; they have to make their works out of them ; and these sentimental reasons, as they are called, and, I think, very wrongly called, are practical reasons to them."

Moreover, though the Lord Chamberlain's ban has long ceased to be regarded as a stigma upon a censored author, the victim's sense of justice and fair play is in many cases deeply wounded, and his helpless position is an intolerable wrong to the whole community of authors. Again quoting Mr Galsworthy: "Amongst the plays which have been censored of late years have been Shelley's 'Cenci,' Ibsen's 'Ghosts,' Maeterlinck's 'Monna Vanna,' Brieux' 'Maternité' and 'Les Trois Filles de M. Dupont,' Shaw's 'Mrs Warren's Profession,' Barker's 'Waste,' and Garnett's 'The Breaking-Point.' These plays have obviously not been censored for creating international complications; they have not been censored for blasphemous allusions; they have not been censored for objectionable personalities. They have, therefore, been censored for gross indecency; and an institution which can thus characterise the work of Shelley, Ibsen, Maeterlinck, Brieux, Shaw, Barker, and Garnett is an institution which inspires in men of letters the sort of feeling that I can only say would be inspired in a soldier if a brother officer had been accused by the authorities of gross indecency without being given a chance to defend himself."

The stigma of Censorship.

Mr Granville Barker, at question 1,233, also denied that the mischief of Censorship was

Mr Granville Barker on the mischief of Censorship.

measurable by the number of plays refused; he was from personal experience able to point definitely to plays actually kept out of existence by the Censorship :—

Mr Herbert Samuel.

1,233. Do you consider that the effect of the Censorship is not to be measured merely by the number of plays rejected, but also by the indirect effect in preventing the writing of plays? —Yes, I hold that opinion very strongly indeed. You see a dramatic author passes through a time when he writes in uncertainty with regard to whether his play will be accepted by a manager or not. If he has passed through that period of uncertainty, it is very hard that he should enter upon another period when it is extremely uncertain whether his play will be accepted by the Censor or not. The result is, if he does not wish to enter on that second period of uncertainty, that he has one of two courses open to him : He must either write purely conventional plays, which he practically knows the Lord Chamberlain will not object to, or he must take to some other form of literary work, such as book-writing—the writing of fiction—where he is not hampered by any such dictation. It has constantly happened to me as theatre manager

that a dramatist has come to me and said: "I have an idea of writing a play on such and such a subject"; and I have very often felt it my duty to tell him that if he treated the subject in such and such a way he ran a very grave risk of the play being destroyed, or of the property in the play being destroyed by the action of the Lord Chamberlain. I have done that, I should think, at least half a dozen times within the course of the last four or five years.

The Censor must on no account be made to think.

But Mr Barker realises with Mr Galsworthy that the injury indirectly done to English drama goes further than a definite taboo upon definite subjects. The Censorship of plays like "Monna Vanna," "Waste," "Mrs Warren's Profession," and "The Secret Woman," consciously or unconsciously must profoundly influence the dramatic author's treatment of any serious theme. He will approach the writing of a play in quite a different spirit from the writing of a novel. "A dramatist," says Mr Barker at question 1,224, "in sending in his play for a licence, or in having his play sent in for a licence, is running a great risk of having his property destroyed, and therefore the one thing that he does not want to do is to make the Censor think about his play, and he naturally is inclined to send in a play which contains only such subjects, and such a treatment of subjects, as have grown so familiar

to the Licenser of Plays that he no longer thinks about them at all. For instance, I think it may be said without offence to the authorities that the Censor no longer stops to think about a certain treatment of the subject of adultery on the stage. If that treatment comes within certain dramatised limits—I mean limits practised by dramatists—he passes it practically without question. But the moment that any original point of view, or unusual point of view, on any subject is put before the Censor he naturally stops to think about it, and the process of his thinking very often interferes with the licensing of the play. That is my particular point. The result of that has been to narrow the field which drama covers in England, and I regard the extreme narrowness of the field in English drama as being distinctly influenced and brought about by the operation of the Censorship."

Mr Barrie appears for the militant authors.

Mr Galsworthy and Mr Barker both belong to the more militant group of the Censor's opponents. Let us see how the position of dramatic authors under the Lord Chamberlain affects a writer like Mr Barrie, who has never had the least difficulty about his plays, and who approaches the subject in good fellowship with authors and managers alike.

Mr Herbert Samuel.

1,763. Do you consider that the present Censorship has evil effects on the British drama? —Yes; I do. I feel that strongly, and that is really the one thing about it that I am interested in. Shall I just read a few lines from my proof?

1,764. If you please.—I feel strongly that it makes our drama a more puerile thing in the life of the nation than it ought to be, and is a stigma on all who write plays. I think we are at the root of the matter if we accept the following as true, that the important objections to abolition are not founded on what is best for the drama, but on the practical difficulties, real or imaginary, of running theatres without such an official to simplify matters for the managers. Safeguard the managers in some sort of way, or remove their fears, and I think there remains no argument of great strength in favour of the retention of a Censor. If a Censor, however efficient, is a real help to any one, it is, I think, to the managers only—not to the public. The better the drama—that is, the more sincere, the more alive—the better for the public, and the drama must make most progress when it is untrammelled, and the work of authors anxious to say, whether sportively or

seriously, what is in them to say, and allowed to do it. Most of us do so now, according to our lights, and some with success, because their views of life happen to be of the kind for the present accepted as the right views. Others —not perhaps more able, but perhaps quite as able, and equally sincere—are less fortunately placed. Their minds, not necessarily more original, are more unconventional; they think many of the accepted views are wrong, and they work out their ideas on the subject in plays. But to the official mind (this is what I feel strongly), whatever is not the accepted conventional view is a thing suspect. Officialdom is created to carry out the accepted view; and so those authors are regarded as dark characters.

. . . . . .

1,767. You say that dramatists ought to be allowed to do their work untrammelled?—Yes; I feel that. The great thing is that you should try to say what is in you to say. There are a number of dramatists who have serious views which they want to express in a dramatic form. However wrong these views may be, and they may be perfectly wrong, they think that they are right, and they want to push them, and they are doing it to the best of their ability and against all their own commercial interests. That is a point which I should like to make—

that it is all against their commercial interests. The chances of their plays being produced at good and prosperous theatres are not great just because they are unconventional and deal with rather troublesome subjects, which managers, as a rule, want to avoid, knowing that the general public do not want to see them. So that these people are not writing plays in a catch-penny spirit, at any rate, whatever else it is. Whether they are taken or not, they are really trying to do the best that is in them.

What is the function of the theatre?

Turning now from the "sentimental" objection to Censorship as an institution which, in Mr Barrie's phrase, tars the "well-intentioned play of a rebel character" along with the "play of low intention, as if they were really the same thing," we are led naturally to ask: What is the function of the theatre? Mr George Edwardes thinks that "the main object of the theatre is to provide harmless entertainment, brightness, gaiety, and amusement for the public"; and he does not "care about any higher function." Leaving untouched for the moment the confusion of thought implied in assuming that brightness and gaiety are necessarily divorced from active exercise of the intelligence, let us turn to what the Bishop of Southwark, appearing before the Committee on behalf of the Church of England at the sugges-

tion of the Archbishop of Canterbury, has said of the theatre's part in the artistic and moral life of the time :—

Mr Robert Harcourt.

5,454. . . . I understand that you would like the drama to have a wide scope ; you do not desire to limit it by artificial rules ?—That is so.

5,454. I put the question to you because I do not know whether you are aware that a number of witnesses have stated to us, and it has been stated in the press, that the theatre is not a pulpit, that it should be confined to light and amusing plays, and not extended to unpleasant subjects. I gather that you do not agree with those views ?—I should differ strongly from those views. I should like the theatre to be capable—perhaps this may be thought a pedantic way of putting it—of carrying on the tradition of Æschylus as well as the tradition of Aristophanes.

The Bishop's implied compliment to British drama under the Censor almost takes one's breath away. Aristophanes would have less chance under the Lord Chamberlain than Æschylus. As to Euripides, one can but faintly imagine what his dealings would be to-day with a Censor trained in the school of Messrs Pigott and Redford.

Mr George Edwardes and a bishop.

The Bishop valiantly witnesses for the theatre at question 5,412. "I am very zealous," he says, "for the dignity and status of the stage; I think the community did for a good while make a great mistake about it; and the two things I should greatly desire for the stage are—first, liberty, and secondly, public recognition and respect. Those two things together seem to me to secure, so far as it possibly can be secured, the fullest sense of responsibility on the part of the stage, and that is what I desire, and that is the kind of control to which I should attach much the greatest value. Then I think that one of the great dangers of the stage is the danger of triviality and shallowness, of its being thought that, being only a recreation, and so on, it does not very much matter what is done. I should like to see the stage take what is, I think, its true historical part—a part which contributes a very great deal to the common life. Then, of course, if that would be so, I should look for control mainly to the sense of responsibility on the part of the stage and its leaders, and also to public opinion. I should expect, of course, that that control would allow a great deal which I should think personally likely to do more harm than good, more mistaken than right; but that does not of itself make a case for interference any more than in many other spheres of life."

Analysis of Mr George Edwardes' conception of gaiety.

Let us for a moment consider the formula of Mr George Edwardes: "The main object of the theatre is to provide harmless entertainment, brightness, gaiety, and amusement for the public." The implications of this formula reduce one to a condition of impotent despair. There is here the threadworn assumption that great art is the enemy of joy; that amusement, far from being the pleasure of an active man in the employment of his faculties, is a sort of drug; that to be merry an audience must needs abandon intelligence, taste, imagination, and common-sense at the door of the theatre; that amusement is the natural antithesis of instruction or edification; that Beethoven is for solemn people cursed with the need to take their pleasures sadly; that the audience which roars with laughter at the man who loses his false teeth is necessarily more susceptible to the influence of brightness and gaiety than the man who roars with laughter at the thundering entrance of the celebrated hand-bag in which John Worthing was born and bred. One frequently hears the producer of the latest play, who is ashamed of it, or the author, who knows that he has not quite successfully come off, describe it as, at any rate, "a good play for a tired man." It seems that a tired man is very easily amused. A tremendously fresh and ener-

getic man just back from the holidays might conceivably refuse to laugh at anything short of Shakespeare or Synge. The same man at the end of his year's work—jaded, hopeless, bankrupt of physical or mental stock—would jump at the opportunity of laughing at anything at all. All, in fact, that he requires is the "brightness and gaiety" of the "Blue Moon" or the "Green Cheese."

Plays for a tired man.

Here we are upon the bedrock of the box-office estimate of the theatre. The distinction in many minds between the plays, say, of Mr Granville Barker, and certain musical comedies, is a distinction between edification and amusement. The true distinction is between one sort of amusement and another. The really tired men—tired intellectually from continuous employment and stretch of their nerves and faculties in professional work—do not want the commonplace music, æsthetically contemptible stage-pictures, intellectually contemptible farce, and witless clowning which Mr Edwardes' formula might be extended to cover. For there are entertainments considerably more lugubrious than the musical comedies of Mr Edwardes; and for these, also, "brightness and gaiety" is frequently pleaded in justification. The terrible false joy of the musical comedy stage, which successfully deceives an audience which has dined well and has very easily earned

a considerably larger portion of daily bread than its intelligence would warrant in a reasonably ordered world, simply plunges the intellectually weary man who lives by the sweat of his brow into abysses of melancholy. Educated people go to the theatre—or would go to the theatre if it were not for the most part avoided by educated people—for amusement quite as definitely as vulgar people. The German professor who discovered that all art derives from the instinct of play in the human animal was perfectly right in the sense that into the lowest, as into the highest, forms of æsthetic enjoyment pleasure in the stimulation and exercise of our faculties is a primary source of pleasure. A keener edge to thought; a fuller sense, for the moment, of the range of passion; an intenser imaginative vision—all this is very nearly allied to the animal pleasure of a physically healthy man in the exercise of his limbs. In respect of this there is a thousand times more "brightness and gaiety" in "Riders to the Sea," or "King Lear," than in a hundred thousand "Quaker-cum-Sunshine Girls."

Immorality and indecency.

The distinction between "brightness and gaiety" and an artistic stage is utterly false. On the other hand, there is a distinction usually ignored in a discussion of Censorship. This distinction was very clearly put by Mr Bernard

Shaw at question 901 of the Report. It is the distinction between immorality and indecency. Mr Shaw throughout his evidence uses the word immorality in the root, original meaning of the word. By "immoral" he means "non-customary." In a quite conclusive argument against any attempt to reform the Censorship (Mr Shaw's remedy, of course, is abolition, not reform) he points out that a really responsible, efficient, and high-principled Censor would necessarily refuse to license a play whose morality he abhorred. "I contend," said Mr Shaw, at question 898, "that the more you improve it (Censorship) the more disastrous it will be, because the more effectually will it stop the immoral play, *which from my point of view is the only play that is worth writing.*" Mr Shaw goes on to define himself as a "conscientiously immoral" writer. He is a sociologist doing his best to persuade people that a good many of their accepted views as to the constitution of society and the rights and duties of men and women are wicked and mischievous. "You will understand," he tells Mr Hugh Law, at question 901, "that there are plays which may be conscientiously immoral, and views which may be conscientiously moral—for instance, if I may say so, Lord Gorell's views in respect of divorce and county courts are immoral, and

are shocking to the Archbishop of Canterbury, and are shocking to Lord Halsbury; but they are evidently conscientiously immoral, and in bringing them forward Lord Gorell is doing a very high public service in my opinion. Now, with regard to myself, as an immoral writer I need hardly say that I claim to be a conscientiously immoral writer. I lay great stress on the distinction in the use of the word, because I would remind the Committee that from one end of the Bible to the other the words 'moral' and 'immoral' are not used. They are not used in the plays of Shakespeare, and at the time that the 1843 Act was passed I believe that any person using the words 'morality' and 'immorality' as being synonymous with 'righteousness' and 'sin' was very strongly suspected of being a Rationalist, and probably an Atheist. I can myself remember the time when that was the ordinary use of the words."

Lord Byron and Mr Shelley.

Mr Shaw's root distinction between immorality and indecency is illustrated in the lives of Shelley and Lord Byron. Shelley was an immoral man. He did not accept the current morality of his time in respect of marriage. Lord Byron, on the other hand, was indecent. He did not meddle with the current morality of his time. He hoped and believed he was one of the wickedest men of his time. Shelley was hated

for his principles, and Lord Byron was loved for his infirmities. If Byron had taken the trouble to conceal his profound contempt and hatred of the English people, he might have lived and died at peace with his time and in the full odour of public approval.

Fair play for the devil.

Mr Shaw claims freedom from interference for the conscientiously immoral play. The claim would possibly be discounted by the Censor's friends as the claim of a literary merchant demanding the liberty to sell his special brand of wares. But the Bishop of Southwark, who has already pleaded for the dignity of the stage, also insists that the prohibition of immoral or non-customary views is wrong, in spite of the pain they may give him or any other person convinced that the Church's teaching as to marriage and society is right. He tells the Committee, at question 541, that he would not have the Censorship interfere with serious drama, "not because I should be pleased to see the English stage containing many plays shocking to the current morality, but because the current morality wants a certain amount of sifting, no doubt, and also because the current morality ought to be able properly to take care of itself—that is to say, those plays, if they are really offensive to what is best in the opinion of the country, will not prosper."

The rights of immorality.

The Bishop puts his view as to the necessary distinction between morality and decency at question 5,416. He says: "I should like to draw rather a sharp distinction between decency and morality. In regard to morality, I should not desire to interfere with the treatment, quite free and bold, of what may be called moral questions, moral themes, moral problems, moral arguments; and to that I should apply the principles of liberty. Let me take an instance—the great instance of marriage. I should not wish to see the prohibition of any play because it was intended to represent effectively views upon marriage, shall I say against marriage which I should myself think extremely harmful views to the community, and which I should think to be simply a retrogression in morality and in civilisation; but I should not wish to see the play stopped by the Censorship, because I think this is a case in which public opinion ought to bear its own responsibility. These questions ought to be threshed out by opinion, and the community is responsible. If the drama can lend force to their discussion, I think it may very rightly claim to do so. But I think that there is a very marked distinction between that and questions of decency. I would put it simply in this way. I think I would illustrate it by saying that it is perfectly

possible to take the most moral theme in the world—the moral theme, we will say, of a happy marriage—and to set forth the details of it upon the stage in a way that would be distinctly indecent, wrong, and suggestive; whereas it is perfectly possible, I should think, to take a theme of the other kind—a theme, we will say, of which the burden would be that a contract dependent upon permanent inclination should be the basis of the relation between men and women—and to present that in a way that would have no tinge of indecency or suggestiveness. If so, I do not think it ought to be stopped."

The public demand for indecency.

The Bishop's evidence had for gist that while immorality must be tolerated, indecency should be banned. In practice the Censorship of the Lord Chamberlain works in the opposite direction. A conscientiously immoral play runs risk of Censorship, whereas the Lord Chamberlain knows that he cannot stand between the public and what the public wants. Backed by the public, which desperately dislikes and distrusts the conscientiously immoral writer, the Censor is strong to condemn. But in face of the public clamouring to be amused the Censor is powerless. So long as the author takes the trouble to "conceal his indecencies decently, and yet in the most readily discoverable manner," the Censor will pass them, cheerfully leaving

the play to the far more powerful Censorship of public opinion. Writing for the Censor, says Mr Zangwill, at question 5,872, "you may mean anything so long as you say something else." This is the heart of the author's case against Censorship in its present form. We have seen that Mr Pigott openly admitted to the Committee of 1892 that an official in his position was unable to tighten the reins. The public, in fact, is the true Censor on the point of decency, as was shown in the history of "The Giddy Goat." Remember that this play as passed by the Censor was afterwards "censored" by the manager, who perceived it was a more indecent play than the public was prepared to accept; that even the censored edition was comparatively unsuccessful; and that a common jury, passing upon it the judgment of plain men, held that the author was entitled to no more than a farthing compensation from the critic who described it as "disgusting stuff." "Dear Old Charlie," a play written by the present Lord Chamberlain's Reader-in-Chief of Plays, also illustrates the author's argument. "Dear Old Charlie" was fastened upon by several witnesses as a specially revolting specimen of the indecent play of innuendo which is invariably passed by the Examiner. When Mr Brookfield was appointed Censor in January 1912, Mr Hawtrey thought

to achieve a *succès de scandale* by reviving "Dear Old Charlie" at the Prince of Wales' Theatre. The enterprise dismally failed. "Dear Old Charlie," which had successfully survived the Censorship of the Lord Chamberlain, fell beneath the far stricter and more terrible Censorship of the box-office. The Censor sees to it that the public shall have as much indecency as it wants; the public sees to it that it shall not have more.

Further considerations as to indecency.

The question of indecency has already been considered in a former chapter on the Censor's practice. But the subject was by no means exhausted, and we have yet to see how the dramatic authors approach it How do they answer the question: Is modern drama, as it flourishes to-day under the Lord Chamberlain's rule, decent or indecent?

Sir Arthur Pinero has never seen an indecent play in the English theatre.

Perhaps the most instructive piece of evidence on this point is a passage between Mr Herbert Samuel and Sir Arthur Pinero at questions 6,037 to 6,039.

Mr Herbert Samuel.

6,037. Do you share the view which has been expressed by some of the witnesses before this Committee that entertainments are sometimes produced in England which are really unfit, not

only for the *jeune personne*, but for any one—that there are objectionable plays now?—I have been a playgoer since I was a boy, and I have never seen an indecent play upon the English stage. I go to Mr George Edwardes' theatre, and I go everywhere that it is possible to go to, and that is my experience.

6,038. Do you share Mr George Edwardes' view that the English stage is quite clean?—Yes; in the main I think I do.

6,039. You do not think that the Censor should be advised to be more vigorous in his dealings with a certain type of musical comedy?—No; I do not.

The "Merry Widow" and the "Spring Chicken."

And Sir Arthur, at question 6,040, continues more particularly: "I should like to say something about the 'Merry Widow' and also about the 'Spring Chicken.' It will not take more than a moment. I have seen both of those entertainments. I did not see the slightest harm in the 'Spring Chicken,' and I thought the 'Merry Widow' a most delightful entertainment. I believe that there are certain gentlemen who go about the world trying to find indecency, indelicacy, and harm in books and plays, and so on. That I cannot understand, but I believe there are such people. I should like to put it upon record that the entertainments of Mr George Edwardes that I have

seen, including the two plays I have mentioned, have been frivolous and light, and all that sort of thing, and perhaps not very intellectual, but quite harmless."

Mr Bernard Shaw flatly contradicts Sir Arthur Pinero.

Keeping in mind that Sir Arthur Pinero distinctly affirms that the English theatre is quite clean, that he has "never seen an indecent play upon the English stage," let us turn for a moment to the evidence of Mr Shaw at questions 892, 893, and 904.

Mr Herbert Samuel.

892. You consider that the existing Censorship of the Lord Chamberlain unintentionally gives special protection to certain forms of impropriety?—I think so. Of course I cannot answer for Mr Redford's intentions—for the Examiner's intentions; but I conclude that he does not intentionally give that encouragement. That he does give the encouragement I, of course, believe.

893. In what way is that encouragement given?—By giving a licence to plays which sometimes are exceedingly revolting, which are disgusting to the very last degree; by giving them a certificate which conveys the impression that they contain nothing objectionable—you have had the terms of the certificate—and

thereby giving them a virtual defence, which I think would be conclusive against any legal proceeding that might be taken against them.

. . . . . .

904. You admit that in all ages and all countries there have been representations on the stage deliberately intended to incite to sexual immorality? — Almost all performances —that is too strong—but I should say a very large percentage of the performances which take place at present on the English stage under the Censorship licence have for their object the stimulation of sexual desire.

Obviously we are here at an *impasse*. Allowing to the utmost for the vivid exaggeration of Mr Shaw and for the pardonable over-heartiness of statement of Sir Arthur Pinero, it is impossible to reconcile their views. Sir Arthur Pinero has "never seen an indecent play on the English stage." Mr Shaw has seen plays which are "exceedingly revolting" and "disgusting to the very last degree."

Sir Arthur Pinero is a member of the public.

This flat contradiction of the evidence does not mean that Sir Arthur Pinero attends a different set of theatres from Mr Shaw. The difference is in themselves. Sir Arthur Pinero has never seen an indecent play on the English stage, because Sir Arthur Pinero has always been absolutely in tune with the public. The

public has never seen an indecent play on the English stage. The public is a Censor which passes no play that offends the general average of its sense of decency. Sir Arthur Pinero has never through the whole of his career lost touch with the public. The public has seen to it that the stage has never lost touch with itself. It is not, therefore, very surprising to realise that at any given moment Sir Arthur Pinero would have been ready, if called upon, to give the English stage a certificate of good conduct.

Mr Bernard Shaw is a militant Puritan.

Mr Shaw, on the other hand, is a militant Puritan, to whom the west-end commercial theatre is definitely the gate of hell. He hates the aphrodisiac play as determinedly as seventeenth century Prynne hated plays of every sort and size. Moreover, as a critic who has sedulously cultivated a taste for good music and fine art, Mr Shaw fails to see that the modern aphrodisiac plays which Sir Arthur Pinero, Mr George Edwardes, and the exemplary middle classes find innoxious and commendable are sufficiently distinguished by high intellectual and artistic qualities to enable him as an artist to overlook their ethical offensiveness. Mr Shaw as a moralist zestfully lets himself go; and as a moralist Mr Shaw is obviously right. As a playwright and manager interpreting the people's notion of what is decent and indecent in the

theatre, Sir Arthur Pinero and Mr George Edwardes are right.

Mr Charles Hawtrey's theatre for children.

A manager like Mr Edwardes, in close touch with the public, is sure that the west-end commercial theatre is clean. The Lord Chamberlain is his sanction; and the public confers upon his theatres a fresh certificate of decency by its attendance. But Sir Arthur Pinero cannot support him along the whole length of his assumption. There is a lively difference of opinion among witnesses before the Committee as to whether the Lord Chamberlain's Censorship is a safe guarantee for parents and guardians in determining the amusement of young people with whose moral and mental welfare they are charged. Mr Charles Hawtrey, producer of "Dear Old Charlie," unhappily did not appear to give evidence before the Committee; but he was interviewed in *The Daily Telegraph* at the time of the investigation, and his views were quoted at question 3,279: "Abolish the Censorship, and the consequences can only be injurious to the theatre at large. The step would mean immediate and material diminution in the attendance of young people. It would mean a stricter surveillance on the part of their elders, who would very rightly and properly hesitate to take them to a performance of which no authoritative guarantee is furnished."

The precise value of Mr Hawtrey's guarantee.

It is in admirable harmony with the history of the Lord Chamberlain's Censorship of plays that the most whole-hearted guarantor of his efficiency in keeping from the stage all plays unfit to be seen by young people should be the producer of a play which was chosen by the Censor's critics as the typical example of the sort of thing a Censor might usefully refuse to license. Mr Hawtrey's plea that the Censor does, as a fact, keep the London stage at so high and wholesome a level of purity that parents may take their children to the nearest play-house without misgiving, is perhaps best left to the judgment of parents sufficiently wise to know that what is good enough for their fathers is not good enough for them. Sir Arthur Pinero, definitely the public's man on this point, put the matter very clearly at question 6,036.

Mr Herbert Samuel.

6,036. Do you consider that a Censorship in any form can be a guarantee against undesirable entertainments ?—No. In my view the Censorship does not afford such a guarantee. The contention that it enables parents and guardians to take young people to the theatre without enquiring into the character of the entertainment presented is manifestly groundless. If it were

so, it would be a most undesirable state of affairs, seeing that the young person ought not to be the sole arbiter of the English drama. But as a matter of fact it is not so. Nothing can or ought to relieve parents and guardians of the duty of making reasonable enquiry as to the suitability of entertainments to which they propose to take children or persons of unripe judgment.

The Censorship of the box-office.

The public are the real Censors of decency, both for themselves and their children. This is proved incidentally by the managers themselves. It often happens that plays precisely on a level with the average London playgoer's sense of decency are discovered by touring companies to be considerably beneath the level required in the provinces. Thereupon the travelling manager measures his public, and censors his play accordingly. Nothing could more admirably illustrate the needlessness of an official Censorship as to decency. The real Censor as to decency, in London or in Manchester, is the box-office. Mr Zangwill told the Committee at question 5,959: "You do not need a Censorship very much in England—or, indeed, anywhere—because you have these tremendous Censors of the box-office and the actors' vanity, both of which check the free expression of opinion. When you are so carefully hedged in as all that,

and when the box-office simply embodies a general public Censorship more efficacious than the Censor himself, perhaps, why do you want this extra protection ? "

Hypnotism and finance.

The sudden intrusion of the box-office into this discussion naturally prompts a careful consideration of the hypnotic influence upon the Censor of theatrical finance. Mr Zangwill puts the position with brutal simplicity at questions 5,915 to 5,918.

Lord Ribblesdale.

5,915. You told us just now that you thought that the Censor came to all sorts of conclusions, owing to his being hypnotised by financial considerations ?—Yes.

5,916. In which direction is he hypnotised ? Is he hypnotised in the direction that he will only pass a play that he thinks will pay ?—He passes a play that he thinks will pay because there are such large commercial interests involved in one of these great musical play productions, and such a large amount of capital sunk that he will only interfere on the extremest provocation, having a great respect for property.

5,917. So that he is inclined to disregard struggling art if it is unattractively dressed by expenditure, and he will pass a play that is

caparisoned in a way which, to his mind, must involve a great deal of money?—It is not so much the individual play He knows that there is a certain kind of play produced by certain houses in which a large capital is invested, and he does not like to interfere with that form of entertainment.

5,918. And you think it is bad for the public that they should have a play involving considerable financial expenditure passed? — It is bad that this factor should be present—unconsciously, no doubt—in his mind. I do not believe he ever censors a play without the greatest regret. I think he is a very courteous and kindly gentleman myself, and is very pained to interfere even with a play that will not pay; but I am quite certain that several plays that he has censored would not pay, and that he has allowed dubious things which do pay.

The Accuracy of Mr Zangwill's diagnosis.

At first blush this seems a very wicked and shameful charge, whose baseness is scarcely mended by the saving clause "unconsciously, no doubt." But Mr Zangwill knows precisely what he is talking about. The accuracy of his diagnosis rests for proof, not upon the statements of the Censor's opponents, but on the admissions of the Censor's friends. To take the first example that offers, Miss Lena Ashwell clearly admits the impeachment at question 3,780.

Mr Herbert Samuel.

3,780. Do you share the view of Mr Walkley that the prevention of plays which have been censored from being performed in public has not worked much mischief, and that it does not matter very much ?—It is rather difficult to say that it has not mattered. *I do not think that either of the plays which have been discussed —"Monna Vanna" or "Waste" — would have made an enormous appeal to an enormous public, or would have made great fortunes.* That is my personal opinion.

Miss Lena Ashwell's criterion.

In this passage the criterion instinctively applied by Miss Ashwell is "an enormous appeal to an enormous public." It is the financial or box-office criterion, the implication being that since these plays would probably not have made their producer's or their author's fortunes, the injustice of the Censor's ban has been unfairly exaggerated by the opposition. The same argument springs instinctively to the mind of Mr Redford in defence of his office. Thus examined as to his refusal to license Mr Edward Garnett's "The Breaking-Point," he distinctly remembered his opinion at the time that there was very little money in it; and in explaining his licence of "Samson and Delilah," he distinctly remembered to urge that it was the most

successful opera of the season. Mr Fladgate also defends the Censorship on the ground that the plays he has refused have not usually been plays which would be "financially a success."

Mr Herbert Samuel.

995. I gather that it is the general opinion of your Association that the Censorship has not inflicted any real injury on the growth of serious drama in England? — I do not think it has inflicted any real injury on the growth of serious drama in England. An author is always at liberty to print his play, and if he prints his play, the public get to know of it; and *thinking over, as I say, during the last thirty years, the plays which have been censored and printed, I do not think you will find that there are a very great number that would have been either financially a success or even a* succès d'estime.

The confiscation of small property is justified.

The argument emerges, like Proteus, all shapes and sizes. It comes into the discussion, not because its authors are proud of it or anxious to bring it forward, but because it is blood and bone of the subject, and will not be avoided. Plainly stated, the argument is so palpably disgraceful that it could only emerge, even in the modestly veiled form it assumes before the Joint Select Committee, in the discussion of a

subject which seems to set every one pretending to be more stupid, unreasonable, and conspiratorial, than lies within the intellectual and moral compass of any decent and mentally responsible citizen. The argument, put without disguise, is that you may with justice deprive a dramatic author of his property if it is not worth very much. The argument survived the Joint Select Committee to appear finally and perfectly in a speech by Lord Newton, delivered to the House of Lords shortly after the appointment of Lord Sandhurst. People interested in the peculiarities of English public life should turn up this speech in Hansard. It shows, among other things, how it is possible for a Member of the High Court of Parliament to sit through the meetings of a Joint Select Committee of both Houses without hearing any of the evidence.

Virtue triumphant.

The logical implications of the financial argument compel us again to recognise that the public are the real Censors so far as decency or morality is concerned. Indecency will only pay so long as it does not offend the taste of the average middle-class audience; and the Censor instinctively sees to it that this amount of indecency is allowed to pass into the theatre fortified by the Lord Chamberlain's guarantee of respectability. Immorality, on the other hand, in the strict sense of the word, can never

pay big dividends. The man who aims at converting the public inevitably has the public against him. "You must remember," said Mr Cecil Raleigh, at question 2,104, "that theatrical audiences, as a bulk, are very respectable people. They appreciate virtue very much indeed, and all that sort of thing, and in large numbers they come to theatres that deal with virtue . . . what we call in slang a 'blue' play never pays. I speak to you from the vantage of Drury Lane, where we deal in very large numbers . . . . Virtue triumphant is my income absolutely." Mr Raleigh would probably admit that the virtue which pays in a west-end theatre is current morality presented with the minimum of decency below which an entertainment may not fall without risk of being flatly received. The manager of a west-end theatre is his own Censor. The Lord Chamberlain is his insurance agent, helplessly fascinated by the financial interests involved.

Terrible consequences of the Censor's removal.

In the face of these considerations, Mr Byrne, Mr Fladgate, Mr Speaker, Mr Edwardes, Mr Comyns Carr, and others brazenly maintain that were the Censorship of plays to be abolished, a rush of indecent plays would ensue. These witnesses are definitely contradicted by Mr Raleigh, Mr Galsworthy, Professor Gilbert Murray, Mr Philip Carr, and Sir Arthur Pinero.

Mr George Edwardes took the argument furthest, pointing his remarks with warning allusions to the theatres of France, which respectable middle-class people, it seems, have ceased to attend since the removal of the Censor. Mr George Edwardes is not correct as to his facts about the French middle class and the French Censorship; but it is more worth noticing that his argument, which weighed considerably with many that heard it, is irrelevant. Mr Edwardes argued that because the English theatre was on the whole less indecent than the French theatre, we should retain an English Censor to keep it so. Granting his premise that the French theatre is more indecent than the English is no reason for granting the multitude of additional premises necessary to his argument —namely, that the French theatre would be cleaner with a Censor than without; that the superior cleanliness of the English theatre is due to the Lord Chamberlain; that the French Censorship was similar in constitution to the English, etc., etc. If the French theatre is more indecent than the English, it is not because the French have abolished the Censor while the English have not, but because the French people require and will tolerate more indecency than the English. The French public is the Censor in Paris, as the English public is the Censor in

London. The Lord Chamberlain's Examiner does not enter the discussion.

Sir Arthur Pinero measures the consequences.

We will leave these statements and counter statements as to the rush of indecent plays which is to follow the Censor's removal peacefully to neutralise one another, and summon the dramatic authors to bear witness upon one very probable and serious result. Sir Arthur Pinero approaches the subject at question 6,108.

Lord Willoughby de Broke.

6,108. Speaking as a member of the public, and as a practical man, or a reasonable man, do you think that the play-going public generally would be prepared for an announcement from this Committee that the Censorship before production was to be abolished forthwith?—I daresay that it would be a shock to them, but I think they would get over it.

6,109. You think that they would get accustomed to it in time?—Yes; I think so. As I say, the disappearance of the Censor would not produce a ripple; things would go on just as they are, or perhaps better. *I think that the absence of the Censor would make men, perhaps, even more careful than they are now, and give them a still keener sense of their responsibilities.* I think there is an idea that if the Censorship

were removed we should all of us at once plunge the stage into a sea of indecency ; but, of course, nothing could be more foolish.

Sir Arthur Pinero's important sentence is: "I think that the absence of the Censor would make men even more careful than they are now."

Mr Archer expanded the idea at question 688.

Mr William Archer improves the argument.

Mr Herbert Samuel.

688. What effect do you think the abolition of the Censorship would have upon the development of the drama ?—I think that for a short time it might have a certain retarding effect, simply because it would render the managers timid, no doubt. If the Censorship were removed, if they could not shelter themselves behind the Censor's licence, the managers would for some time be timid. I think the authors would find it out—but I am quite sure that every reasonable author realises it, and if the authors choose to take the chance, I do not see why the managers should object.

Mr Barrie carried the argument further by showing how the managers would in time emerge from the period of nervousness.

Mr Barrie takes a cheerful view.

Lord Ribblesdale.

1,858. You said that if we did away with the Censorship the managers would be so nervous

and jumpy that the Censorship would really become more acute at first than is at present the case?—That would be very probably the result.

1,859. If that were so, how would the position ever become mitigated, unless the general public became so unconventional that the managers were encouraged to be unconventional too? What is the process by which to get out of this rather acute stage of Censorship that is brought on by the extreme conventionality and nervousness of the managers?—I should think that they would feel their way slowly.

1,860. But how would they feel their way? They can only feel their way by getting at what the public feels about it. If they do not let the public have opportunities of judging, how do they get at the feeling of the public?—I should think it might begin in some such way as this: If they got a play that they felt was not exactly conventional, but not nearly so unconventional as some others, they might say: —"We will risk this and see what happens to it," and so on.

The practical effect of abolition.

The practical effect of the abolition of the Lord Chamberlain's Censorship would, of course, depend very largely on the system for which he was superseded. If the powers of local authorities and of the common informer were

left precisely as they are at present, then the natural apprehension of authors that the manager's Censorship would for a time prove stricter than the Censorship of the Lord Chamberlain are undoubtedly well founded.

The greater caution of managers would act in the right direction.

So far as strictly indecent plays are concerned, the results, at their very worst, would be entirely healthy. The managers responsible for the decency of their entertainments would naturally be more careful than they are at present. They would be more conscious of the danger to themselves of lagging behind public opinion as to the amount of impropriety by innuendo which should be tolerated; and this would necessarily induce a permanent general improvement. As to conscientiously immoral plays, the Censor's abolition would allow a manager like Mr Granville Barker to produce what plays he liked at his own risk. It would free him to make his strictly limited appeal to a strictly limited public. The managers who aim at the plain man, and hit him about one time in three, would be neither more nor less likely than they are at present to encourage speculative immorality in the theatre. The abolition of Censorship would, in fact, reverse the position which the Bishop of Southwark considers so deplorable a result of the present system. At present the Censor, uncertain as to how much indecency the public

wants, systematically errs on the side of indulgence (in the rear of the undeniably steady and general advance of the public taste), and occasionally offers the London playgoer more by way of impropriety than he is prepared to accept. On the other hand, knowing as a plain man that plain men hate conscientious immorality, the Censor stifles the serious discussion of moral and social subjects. The Bishop would reverse this. He insists that the immoral author should be free to say what he pleases, subject to the right of playgoers to refuse to listen. The Bishop also desires to see the indecent author discouraged, and he thinks that the best means of securing decency in the theatre is to make the managers themselves sensible of their responsibility. The Bishop desires less indecency and a freer discussion of serious moral problems—precisely the result which the abolition of Censorship would practically ensure.

The divine right of plain men.

The distinction between immorality and indecency dogs the discussion of Censorship at every step. The conventional playmaker who indecently exploits current morality may safely be left to the mercies of the box-office as administered by the Lord Chamberlain's Examiner. But to put the conscientiously immoral writer at the mercy of plain men is

wilfully to ignore all the warnings of history and all the accepted principles in accordance with which we have learned to regulate the progress of thought. The monstrous theory of the divine right of plain men, upheld by Mr G. K. Chesterton before the Joint Select Committee, implies that no theory of life or conduct should be permitted expression in the State which plain men are not prepared to accept. We will pause for a moment on the evidence of Mr Chesterton. Its outrageous absurdity is instructive. Mr Chesterton clearly realises that there is only one valid defence of Censorship. He omits all intermediate pleas, and goes to the root of the matter. Has the plain man a natural right to determine absolutely the philosophy and religion, not only of his own generation, but of ages to come? Any sort of official Censorship is logically a statement that he has.

Mr Chesterton on the necessary infallibility of twelve plain men.

Mr Chesterton objects to the Censor because he is only one plain man; he would retain the Censorship and put it into the hands of twelve plain men. Let Mr Chesterton explain.

Mr Herbert Samuel.

7,141. I understand that you appear here to give evidence on behalf of the average man?—Yes; that is so. I represent the audience, in

fact. I am neither a dramatist nor a dramatic critic. I do not know quite why I am here, but if anybody wants to know my views on the subject, they are these : I am for the Censorship, but I am against the present Censor. I am very strongly for the Censorship, and I am very strongly against the present Censor. The whole question, I think, turns on the old democratic objection to despotism. I am an old-fashioned person, and I retain the old democratic objection to despotism. I would trust twelve ordinary men, but I cannot trust one ordinary man.

6,142. You prefer the jury to the judge ?—Yes, exactly ; that is the very point. It seems to me that if you have one ordinary man judging, it is not his ordinariness that appears, but it is his extraordinariness that appears. Take anybody you like—George III., for instance. I suppose that George III. was a pretty ordinary man in one sense. People called him Farmer George. He was very like a large number of other people, but when he was alone in his position things appeared in him that were not ordinary—that he was a German, and that he was mad, and various other facts. Therefore my primary principle——

6,143. He gloried in the name of Briton ?—I know he did. That is what showed him to be so thoroughly German.

Lord Newton.] He spelt it wrongly.

Witness.] Therefore, speaking broadly, I would not take George III.'s opinion, but I would take the opinion of twelve George III.'s on any question. So I am in favour of transferring the licensing authority to some county council or similar assembly. I know the objections to it. I know that it will be said that the twelve George III.'s are just as conventional as the one George III., but that is not the point. The twelve are not Germans and are not mad. The twelve have not that particular idiosyncrasy which belongs to the one man when he is a despot. That is my first position, therefore, that I am strongly in favour of transferring the power of the Censorship to some kind of elective assembly.

. . . . . .

6,145. It would be rather difficult to have a General Election for the Censors of Plays?—If it can be done in no other way, I should like such a body to be elected, like the county councils.

6,146. Do you think that a body such as a committee of a town council is qualified to judge the drama?—I think that it is as qualified as anybody else. Unless you are going to invoke religion and all kinds of things that we cannot discuss in a place like this, you cannot get any further than the actual and ultimate soul of a

people. If you have really got to the normal judgment of the mass of Englishmen, that is all you can go by. I would go by it.

6,147. You think that art would have to square with it ?—Certainly.

. . . . . .

6,168. Why do you object to the present Censorship ?—I object to the present Censorship because it seems to me that before our eyes it has exhibited all the evils that our fathers, who talked a good deal of sense, attributed to despotism. It has become like a sultan. It has become capricious and casual. Can anybody defend, as a matter of fact, the suppression of Mr Bernard Shaw's last two plays ? I have read both the plays and enjoyed them thoroughly. They are certainly the first two plays of Bernard Shaw which are thoroughly conventional—that is to say, that are thoroughly in sympathy with the ordinary morality of modern Englishmen. "Blanco Posnet" was suppressed because it was said that the backwoodsman, or whoever he is, was blasphemous in the course of his declaration of the omnipotence and the power of God. Well, I mean to say that that is not even unconventional. That is the old tradition of romantic literature. What is the good of a backwoodsman if he is not blasphemous ! Read anything of Bret Harte, or

anything of Dickens—read any of the old, sound, romantic literature, and you will see that it was the fundamental idea that the rough fellow in wrestling with his salvation in his repentance should say many wild things against the power of the universe. The second case is worse still. The putting down of "Press Cuttings" is absolutely comic. I do not know, I am sure, whether this Committee has read "Press Cuttings" as I have, but I simply cannot understand what is meant by the suppression of it. It is said, I think, that it is personal to some politicians. As has already been pointed out, most pantomimes are personal to politicians. But, as a matter of fact, it is not personal. The only politician, as far as I know, in the play is called "Balsquith," and is supposed to be a combination of Balfour and Asquith. I cannot imagine any two people in the world more different than Mr Balfour and Mr Asquith. If there is anything about a combination of the two, it certainly cannot be personal. Can you imagine any personalities directed against a creature compounded of Mr Balfour and Mr Asquith. What sort of personalities would they be? Therefore my position is simply this: I know that all human institutions are imperfect. I know that there will be a good deal of good work suppressed by a democratic as by an

autocratic Censorship; but I simply say that I will take my chance with a democratic Censorship, knowing at least the absurdities of Jones will be balanced by the absurdities of Smith, and the eccentricities of Robinson will be balanced by the insanities of Tomkinson. But I cannot take my chance with a person who could suppress those two last plays of Bernard Shaw.

Mr Chesterton on the true function of pioneers.

Mr Chesterton is probably correct in assuming that a jury of plain men would see less harm in "Blanco Posnet" than the Lord Chamberlain's Examiner. The objection to "Blanco Posnet" on the score of blasphemy is, as we shall immediately see, necessarily the objection of an irreligious official. Objection or approval in this case would rather proceed from temperament than from intelligence; and the temperament of a modern jury is still more religious than the temperament of a modern Government office. But even Mr Chesterton does not dare to suggest that plays like "Mrs Warren's Profession" or "Getting Married" would be safer with a modern jury than with the Lord Chamberlain. Driven home, Mr Chesterton would probably admit that in moral questions twelve plain men would be even more conventional than one plain man, and that "The Pioneers" would suffer more under an elective than under a

despotic Censorship. But Mr Chesterton has no use for "pioneers"—thinkers who, immoral in their own day, determine the morality of to-morrow. "I am certainly against pioneers," says Mr Chesterton, at question 6,182. "The very phrase 'pioneers' seems to me to be one of those metaphors which mislead the modern man. Pioneers, I think, are people who go in front of an army, are they not, with axes to cut down forests and things like that; but it is not the pioneers who settle where the army is going. It is the nation behind them. The nation says that the pioneers shall break down the forests of South America, or South Africa, or Siberia, or anywhere else, and I am in favour of the nation deciding where art shall go, not of art deciding, or artists deciding, where the nation shall go." If Mr Chesterton believes all this, he is committed to putting every novel, newspaper, lecture, sermon, and political speech under the Censorship of elected Committees of plain men; and also bound to show why the box-office is not Censorship enough so far as it is an incentive for producers to follow rather than to lead public opinion. Many people would admit that Mr Chesterton's plain men should be allowed to determine questions of decency as distinguished from questions of morality; but these questions are best deter-

mined by public favour at the box-office. To put morality at the mercy of plain men is neither more nor less than to admit that circulation and box-office receipts are the ultimate and just criteria of philosophy and art.

Mr Laurence Housman defines the Censor's duties as to religious plays.

So far we have dealt only with Censorship as to decency and the moral code. Mr Chesterton characteristically introduces religion. Historically and by statute the Lord Chamberlain has no right whatever to interfere with the performance of a religious play, except when he is of opinion that the public peace would thereby be imperilled. But, as we have seen, an arbitrary rule as to Scriptural plays has mysteriously emerged in practice, and has as mysteriously been modified within the last few years. Mr Laurence Housman is here best qualified to speak. Mr Housman's experience of Censorship exhibits the institution at its worst. His play "Bethlehem" fell victim to a rule of Censorship arbitrarily formulated in the Censor's office, and as arbitrarily disregarded at the Censor's discretion. "The Act of 1843," pleaded Mr Housman, at question 2,515, "makes no prohibition of religious plays as such. The question of their production or suppression depends entirely, as in the case of all other plays, on whether the contemporary mind of the public is capable of receiving them without prejudice to its good

manners, its decorum, or a breach of the peace. In the year 1901 'Everyman'—a play of religious character, in which the figure of God the Father appears and speaks upon the stage—had already been publicly produced with great success, and had led to no breach of good manners, decorum, or of the public peace. In no single instance was any disturbance reported as resulting from that performance, nor was there any hint in the press that public decorum had been violated. With that proof before my eyes that a religious play was no longer likely to cause any breach of the conditions set forth in the Act, I wrote in 1901 a Nativity play called 'Bethlehem,' and in October 1902 approached the Examiner of Plays, asking if he would consider it with a view to licensing it for public performance."

The Censor exceeds the law as to religious plays.

Mr Redford answered Mr Housman as he answered Mr Forbes Robertson, laying down the definite rule that Scriptural plays are ineligible for licence in Great Britain. Mr Housman bowed to the rule (Mr Redford excluded "Everyman" as an old play not requiring licence), and produced the play privately. It was received with gratitude and appreciation by thousands of people. Mr Housman lost his copyright, and the performances left him actually out of pocket. He suffered these losses, not because his play was regarded by the Lord

Chamberlain as likely to cause riot or as an offence against public decency, but because there existed, without legal warrant, a rigid rule to which no exception could be made. We know the sequel. Shortly after "Eager Heart," "Hannele," "Samson and Delilah," and "Salome" were in succession licensed for performance.

Test Acts or Toleration.

We are again driven to ask: What is the function of the theatre? If we follow the Bishop of Southwark in wishing to make the theatre reflect the life and thought of the time, obviously we can no more forbid a dramatic author to discuss religion on the stage than we can forbid him to question morality. Religion is more than safeguarded by the blasphemy laws; and these offences are no more likely to occur—to say the least—in the theatre than in the free-thinking pulpits of Hyde Park. Moreover, if you are to have a religious Censorship at all, it must be put into the hands of a religious person. The only official way of proving a person to be religious is to submit him to some sort of test. We are, in fact, logically driven to a re-introduction of the Test Acts, which are precisely the historical basis of the Censor's activities as to religious plays. It is only possible to defend religious Censorship by definitely repealing the Toleration Acts, just as it is only

possible to defend the moral Censorship by stoning every prophet and prohibiting every opinion distasteful to the plain man.

The absurdity of a Christian Censorship save in the hands of a Christian.

The real absurdity of the Censor's interference with religious plays lies in the fact that not impossibly it may be the interference of an unbeliever to save what he supposes to be the feelings of a believer. Suppose the Censor of Plays were by persuasion a Jew. None the less he would be bound to interfere on his estimate of the feelings of a Christian, and *vice versâ*. Or hypothetically the Censor might be neither Jew nor Gentile, but some one without any definite religion at all. Such a person would invariably be wrong in interpreting the feelings of a religious community, just as Mr Redford, who is not a member of the Salvation Army, was entirely wrong in estimating the effect upon Salvationists of "Major Barbara." Mr Chesterton put this rather well at questions 6,177 to 6,179.

Mr Robert Harcourt.

6,177. You spoke of "Blanco Posnet." Have you followed at all the course of the production of a play like that, which has been produced, I understand, and been received with general favour?—Yes, quite so. If I might allude to

the evidence of a gentleman who has gone before, Mr Zangwill made, to my mind, one extraordinarily sound remark when he said: "When you are dealing with so sensitive and delicate a matter as religion, please leave it to the people who do believe in religion." That is a very good point in the matter of "Blanco Posnet." "Blanco Posnet" is the ordinary Bret Harte ruffian and hero, who begins with blaspheming and ends in believing. That is what I may call a commonplace to all people who believe in religion, but the people who do not believe in religion are profoundly horrified. They are a very sensitive class.

6,178. It is rather the pseudo-religious people who are shocked?—Yes.

6,179. We had a rather subversive view from the Bishop of Southwark, approximating very much to the view of Mr Bernard Shaw. Do you think it possible that the really religious people are not quite so sensitive as the professedly religious people who act avowedly on their behalf?—I am sure that the really religious people—and God forbid that I should class myself among them, because that is irreligion in itself—judge entirely by whether the Good Spirit in the universe is being insulted or not, and I am sure they care for nothing else.

To the Bishop of Southwark the difficulty seemed insuperable. The sense of his evidence was definitely that the rule as to religious plays must be absolutely rigid—as, for instance, that no play from the Scriptures will be permitted, or that there should be no rule at all. The Lord Chamberlain himself has abandoned the rigid rule as being too conspicuously silly; so that if we accept the Bishop's argument, it has now become urgently necessary to abandon the Lord Chamberlain. The Bishop's dilemma.

If morality and religion are to be seriously treated by dramatic authors on the same plane as they are treated by novelists, poets, and lecturers, it should follow that politics are also to be admitted. Contemporary party politics are treated with freedom and ferocity upon the platform and in the press. It is not considered necessary to establish a Censorship of funny papers in order to prevent the publication of libellous cartoons, or to ensure that silly jokes or serious charges against politicians shall not be offensive, cruel, defamatory, or obscene. The public is left to decide the question of taste; the law courts are open for actually indictable offences. The difference between a theatre and the press, arising from the theatre being a place of assembly, should of course be admitted; but only so far as it is already admitted for Politics in the theatre.

public meetings. As to home politics, no difficulty whatever could conceivably follow the abolition of Censorship. There is a small difficulty as to foreign politics, but the difficulty would be less if the Lord Chamberlain's Censorship were removed. As Mr Shaw, Mr Zangwill, and other witnesses have pointed out, the Lord Chamberlain's licence of a play may be regarded abroad as an official endorsement of any political allusions the play contains. If a play were presented at the manager's private risk, the offence and the effect of foreign political allusions would necessarily be less. In fact, the only reasonable difference between home and foreign political offences is that the aggrieved party is in the one case a native, knowing English law and procedure, and able to resort without delay or difficulty to his remedy; whereas in the other case he is a foreigner, possibly unable even to understand the nature of the damage he has incurred. Mr Bernard Shaw admits and allows for this difficulty, though he might very reasonably have argued that, since the utmost freedom of political allusion of every kind is already permitted upon the music hall and pantomime stage without creating serious international difficulty, the position might with perfect safety be left to look after itself.

Mr Zangwill stated the dramatic authors' position as to the treatment of politics in the theatre at questions 5,879 to 5,881. Notice at question 5,880 Lord Newton's naïve assumption that there are no politics but party politics. The majority of dramatic authors — to whom party politics are sealed a mystery — would cheerfully leave politics, in Lord Newton's sense of the word, where they are at present—part of the ordinary stock-in-trade of the gagging music-hall comedian.

There is no difficulty at all as to home politics.

Mr Herbert Samuel.

5,879. Do you think that political subjects should be treated on the stage?—I think that all subjects, without exception, should be treated on the stage, subject to the common law; therefore politics should certainly be treated, especially as they are already treated in the music halls. I would remind you that Jingoism had its origin in a music-hall song. I would remind you also that the Poet Laureate wrote a poem, called "Captain Jim," which was recited in one of the music halls at the time of the famous Raid; and I believe that the pantomimes are already full of political allusions. Politics should be permitted on the stage, subject to the financial Censorship exercised by the managers, who

will take care not to go counter to the general public opinion. For example, I see that a political play has been licensed, in the shape of "An Englishman's Home," which was regarded as so sacred that the Censor did not even allow a burlesque of it. I also find that the other day a play was produced called "A Nation in Arms" (to which Lord Roberts actually contributed a preface), so that, you see, politics are already treated on the stage.

Lord Newton.

5,880. That is a non-political organisation. I happen to belong to it myself?—But I think that is taking politics in a very low sense—in the sense of the House of Commons; that is to say, regarding it merely as a party question. Politics are all the great interests of the nation, especially this question of peace and war.

Mr Herbert Samuel.

5,881. And with regard to foreign politics?—With regard to foreign politics, I consider that the objection to international questions being treated is entirely due to the possibility of their being supposed to be public and official; being licensed makes them to some extent official—whereas if each man just produced his own indi-

vidual ideas, at his own risk, without the State having anything to do with it, no country abroad could make any protest.

The difficulty as to foreign politics.

The abolition of the Lord Chamberlain's Censorship would put the foreign politics of the theatre in exactly the same position as the foreign politics of the amalgamated press. They would be private expression of opinion put forward to please and fortify the public. The Foreign Office has not half the reason to fear the foreign policy of the London theatres that it has to fear the foreign policy of the most insignificantly circulated of our London newspapers. Mr Shaw's suggestion of a procedure very similar to the Roman legal provision for offended strangers, if applied to the theatre, should also be applied to the press. But the press would not like it, and no Government would dare to suggest anything the press did not like. Then why put the theatre, which is far less likely to offend, in an exceptional position? Mr Shaw, like Mr William Archer and several witnesses who at every other point stood consistently for equality of treatment, allowed himself to be fascinated by Mr Fladgate's vision of Europe plunged into international and internecine strife owing to the single performance of a play with an uncomplimentary allusion to some foreign potentate or power. Mr Archer even yielded so

far as to admit an actual special Censorship of foreign political allusions before production. "I do not see why, on the manager's licence," said Mr Archer, at question 693, "there might not be perhaps an endorsement to the effect that he must submit anything mentioning foreign political personalities or dealing in any way with foreign politics to some official at the Foreign Office, who should pronounce whether there was any harm in it or not." Mr Archer, in fact, puts an important branch of human thought and activity under the specialised Censorship of a Government department, which in its limited province would chastise with scorpions where the Lord Chamberlain chastised with whips.

Mr Shaw's remarkable concession.

Mr Shaw does not go so far as this. He will have no Censorship or suppression—merely, as in all other cases, prosecution after the offence.

Mr Herbert Samuel.

918. Supposing that one of the characters in a play was made up to represent the sovereign of a foreign country, and was placed in an ignominious and ridiculous situation, could the State properly interfere there, do you think, or not? —The State might interfere by prosecution, possibly. I should object to a Censor interfering.

919. I am dealing again merely with a prosecution, and not with suppression beforehand. I want to know the degree of social control that you think proper over the theatre?—I will illustrate exactly what I mean by something that I have seen. I have seen on the stage an actor made up exactly to represent the Shah of Persia, and I have seen him dancing a jig with a collar of pawn-tickets round his neck, the assumption being that in England he had pawned his famous diamonds. I say that that was an exhibition calculated to bring the Shah of Persia into ridicule and contempt; and if the Shah of Persia had taken proceedings against that actor and the manager, I do not see why he should not have had the same remedy that I should have if the same thing were done to me.

920. You think that it might be proper in such instances to prosecute and to penalise the manager of a theatre?—Or any other person.

. . . . . .

922. Should you say that the present law would be adequate to suppress by prosecution a representation such as that?—Yes; I think so. No doubt the initiative might have to be taken by the State, perhaps, in that case. If a regulation were made, for instance, through some sort of diplomatic etiquette, that some

person should be empowered to act on behalf of foreign persons and to proceed against a theatre in the ordinary way, I see no objection to that.

Mr Barker refuses to yield.

Mr Barker was stalwart on the test question of foreign policy.

Mr Herbert Samuel.

1,241. Do you think that the group of cases in which questions of foreign policy may arise, and our relations with foreign Powers, should come within the ambit of the control of the theatre ?—Yes, if they come under the head of being libellous ; but I do not think so otherwise.

1,242. Do you think that it would be sufficient to give powers of prosecution after the play is performed, instead of censoring it before its production ?—Amply sufficient.

1,243. You do not think that the mischief would be done, as was suggested by the last witness, by the very production itself on the first day ?—I think, if I may say so, that the last witness seemed to attach altogether too much importance to one performance of a play. It is to some of us quite an important matter ; but, after all, I should not consider that one performance of a play containing a gross libel upon a foreign potentate would be a national calamity, or could plunge the nation into an

international quarrel. I think that it is attaching altogether too much importance to the matter. . . .

Mr Barker finally drives the point home at question 1,245:—"I may recall to the Committee's mind an instance of a music-hall song which bears upon the question of foreign politics. Everybody will remember the song which added a word to the English language—

> "'We don't want to fight,
> But by Jingo if we do.'

That certainly had as much influence upon the public mind at the time that it was sung as any play could have had, and yet nobody seriously proposes to give extraordinary powers to stop that sort of thing."

Foreign politics are a test of the whole Censorship question. If there be any case at all for summary control, it would be here. But the position holds firm. While in the meanest suburban music hall the lowest-type comedian is permitted to exploit the temporary feeling of his audience against a hated foreigner, it is merely foolish of the Censor's friends to plead that the Lord Chamberlain is necessary to keep the peace of Europe. Actually the case for control is not a case against the music hall or against the theatre; but, if it exists at all,

Foreign politics are a test question of censorship.

against the press. The low comedian goes with the popular breeze: his jests are straws. If the whirlwind follow, he did not sow the wind.

The author's best champion is a manager.

Managers and authors, though they have hitherto been opposed on the question of Censorship, have really the common interest of the theatre at heart and a common pride in its dignity. The evidence of the managers themselves shows that, if Censorship of the local authority were abolished with Censorship of the Lord Chamberlain, and if the theatre could be safeguarded against frivolous prosecution at the instance of common informers, a large part of their objections would necessarily disappear. The managers' defence of Censorship was too hastily entered upon. Honest and cultivated men of the theatre have nothing to fear from abolition, and many managers who have assumed that all sorts of horrors would follow the Censor's removal would very shortly find themselves living quite happily and safely without him. The natural conclusion of the case for dramatic authors is a memorandum addressed to the Committee by one of the most successful and experienced managers of England and America. Mr Frohman was unable to appear before the Joint Select Committee, but his views are contained in Appendix L. of the Report.

"*Memorandum with regard to the Censorship of Stage Plays addressed to the Committee by* Mr Charles Frohman.

"Savoy Hotel, London,
"14*th July* 1909.

"I shall not be in England while the Committee on the Censorship of Plays is sitting; otherwise, had I been invited, I should have given evidence to the following effect:—

"At present one individual has it in his power to veto a play for ever. He has not to give his reasons, and the author has no right of appeal. In a free country this cannot be right. It seems to me to be indefensible. Either the office should be abolished, or there should be some modification of these arbitrary powers.

"In America we have no Censor, and I do not see that the absence of one causes any inconvenience to managers. English managers seem to fear that, without a Censor to settle the question of licence once and for all, they might be troubled by vexatious interference from local authorities in the case of plays going from town to town. In America this trouble does not arise to any important extent.

"The Censorship in England prohibits (and, I think, rightly) the presentation on the stage of actual living persons. But without a Censor

we succeed in America in keeping such presentation off the stage.

"No Censor can prevent the appearance of numbers of plays that are vulgar and of low aim. Those are common to all countries, whether there be a Censor or not. The strictly immoral is another matter, but what seems immoral to one person may to another be not only not immoral but highly moral, and I would trust the public here as in America to decide in such a matter at least as readily as any single official. By the public I mean not merely the audience, but the authorities who represent them.

"Without a Censor you would probably have religion among the subjects of the stage. To this I can only reply—why not? The drama can only be helped by being able to treat in a becoming manner of all the questions, religious or social, that affect the lives of men. But how to decide what is a 'becoming manner'? I think a little more freedom might well be given to the dramatist to discover this for himself. If he is sincere in his calling, he is much more likely to solve the problem for the public good than any outsider.

"Any one who, like myself, has been in close touch for many years with the modern play, must be aware that the drama as an art and as a criticism of life has made great strides forward

since, say, about 1890. We are nearer the really good than we have been for about a century. We have a body of dramatists of real ambition, and there is every sign that they are firing the youth of intellect to follow and to aim high. Surely it would be well to encourage these men instead of keeping an obstacle in their way.

"One hears of plays being stopped occasionally because of reasons of foreign policy, without the reason being given. Obviously author and manager must accept such action with a good grace. These cases will arise — they are very rare—whether there is a Censor or not.

"*On the whole, then, to sum up, I should not, as a manager with large business concerns in England, be alarmed by the abolition of the office of Censor.* If it is not abolished, I am of opinion that the least that should be done is to give the prohibited author a right of appeal, say to three persons (chosen for the particular case), one of them selected by the author (or the Dramatists' Association), one by the Censor (or Lord Chamberlain), and the third by these two. Also, I think the author should have the right to send in his play again for licence after the lapse of a certain time.

"But this I should call a second-best policy. I prefer abolition.

"(Signed) CHARLES FROHMAN."

Mr Frohman concludes the argument.

Mr Frohman, as a man of business and as a theatrical *entrepreneur* eagerly interested in all the liveliest dramatic movements of our time, has had wide experience of theatres with a Censor and of theatres without. He sums up definitely in favour of abolition. He realises, as the most enlightened of the London actor-managers unfortunately do not, that it is only dealers in entertainment of a doubtful character who have anything to lose by the Censor's removal. When, as will certainly happen, it has become impossible for a London actor-manager to defend the Lord Chamberlain's Censorship without being suspected of an intention to evade his country's laws as to decency, blasphemy, or libel, the whole theatrical profession will inevitably be driven into a united appeal in the sense of Mr Frohman's memorandum.

CHAPTER V

Remedies

Apothegms of the Joint Select Committee.

Many of the conclusions at which the Joint Select Committee arrived at the end of their labours are admirably wise. Thus :—

(1) A Censorship with a power of veto before production is open to grave objections. Secret in its operations, subject to no effective control by public opinion, its effect can hardly fail to be to coerce into conformity with the conventional standard of the day dramatists who may be seeking to amend them. These standards are not absolute. It is an axiom underlying all our legislation that only through the toleration of that which one age thinks to be error can the next age progress further in the pursuit of truth.

(2) The plays which have been vetoed are few in number. . . . But this is not the measure of the activities of the Censorship or of its effects. . . . A Censorship of the press might not touch one newspaper article in a thousand submitted to it, but its effect might be immense.

(3) It is not possible for the control of public authority over the stage to be such that parents can rely upon it to ensure that in no theatre will anything be produced unsuitable for youth to see. This is not so under the existing Censorship, and ought not to be so, for that standard is not one to which the community should be required universally to conform.

(4) There are many who hold that the theatre is properly a place of recreation, not a place in which to discuss grave, often gloomy, problems of life. Others regard it as a most useful vehicle by which great ideas of profound importance to human well-being . . . may be communicated by the thinkers to the citizens at large. It is clearly not the duty of the State to enforce by law the opinions of those who hold the former view, even if it be correct, upon those who hold the latter.

(5) In view of the danger that official control over plays before their production may hinder the growth of a great and serious national drama . . . we conclude that the licensing authority . . . should not have power to impose a veto on the production of plays.

The Joint Select Committee has tried to abolish the Censorship and to retain it.

Clearly a Report sown with such pearls is not to be lightly ignored. Nor is there anything wrong with many of the Committee's practical recommendations. But, unfortunately, the Committee has balanced with quite remarkable

neatness and dexterity each separate set of considerations and conclusions with a complementary set. The Committee, in fact, has tried to please everybody. It has tried to abolish the Censorship to please the dramatic authors. It has at the same time tried to retain the Censorship to please the actor-managers. In a word, the Committee has tried to make the Censorship of stage-plays optional. This would undoubtedly be a most satisfactory solution if it could be practically and lawfully done. But it has yet to be shown that an optional Censorship is practicable.

An instructive failure.

The objection to the Committee's recommendations is not that they make the Censorship optional, but that they have not succeeded in doing so. In fact, the chief value of the Committee's Report is that it thoroughly clears the ground of every half-way remedy between retaining the Censorship as it is and abolishing the Censorship altogether.

The four ways of dealing with Censorship.

Four ways of dealing with the Censorship of plays held the field at the period of the Committee's deliberations. These were (1) to keep it as it was; (2) to reform it; (3) to make it optional; (4) to abolish it. The Committee's final conclusions definitely cleared the field of all but the remedy of abolition. They definitely rejected the Censorship as it was, and the

Censorship as reformed by appeal or arbitration, and they showed, by trying their hardest to make the Censorship optional and conspicuously failing, that this remedy was presumably beyond mere human wisdom to accomplish. Moreover, the Committee also showed by its suggestions as to unlicensed plays how Censorship might be abolished without inevitable degradation of the theatre or unavoidable injury to its business. To do all this within the limits of fourteen pages of Blue-book was no mean achievement. It is only fair to admit this at the start, for it will be necessary to quarrel firmly but violently with the Committee's Report as a whole.

Reform of the Censorship.

The objections to Censorship of those who want to see the theatre submitted to the law and put on a level with literature and the press are scarcely met by proposals to buttress with illusary reforms the very institution they desire to destroy. All secondary practical objections to reform of the Censorship are fundamentally implied in this root objection that by no conceivable amount of reform can Censorship be made into anything but Censorship. No control of the theatre outside the law can ever be anything but uncertain, arbitrary, and repressive.

Reformation from within.

We have seen that the Department itself was perfectly satisfied with Censorship unreformed;

but that as a concession to the unrestful spirit of the time it had consented to reformation from within, which took the form of an Advisory Board to counsel the Lord Chamberlain in matters of special difficulty. The formation of this Board — which has now been actively beneficent for over two years—leaves the problem of Censorship precisely as it was before. The Censor merely distributes his conscience among a small Committee. This, doubtless, softens the mental anguish he must feel whenever he is compelled on his own initiative to destroy the property and stigmatise the reputation of a dramatic author of his simple motion. The practical advantage for authors depends entirely on the composition of the Committee, for it is the advice of this Committee that gives a play as to which the Lord Chamberlain is in doubt a chance of survival. The one clear point as to the Committee, for the time being, is that two actor-managers who in no uncomplimentary sense may be described as of the old school, a distinguished lawyer, and the Lord Chamberlain's Comptroller have it easily within their power to over-rule a single representative of the dramatic authors. The appointment of this Committee is a family matter, arranged within the Lord Chamberlain's office; and the Lord Chamberlain is bound neither to ask its advice

nor to act upon it. It is not to be wondered at that the Joint Select Committee summed up this particular reform in the following grave, unexaggerated, official language: "We consider that such a Committee would perform useful functions, but we do not regard its formation as adequate for the solution of the question before us."

Censorship subject to appeal.

Suggestions for reform of the Censorship from outside were made by authors and managers alike. All the practical suggestions are reducible to a proposal for some sort of appeal. The Joint Select Committee rejected this, the motives of rejection, presumably from a reading of the evidence, being supplied by Lord Gorell. The practical objection to appeal is that it merely lifts the duty of Censorship from the Lord Chamberlain to somebody else. The Lord Chamberlain refuses a play; the author appeals; the arbitrator is called upon to decide between them. Practically there are two Censors instead of one: if an author cannot get a licence from one of them, he is at liberty to try the other. The arbitrator may be an individual or a committee. The result is the same. We are no nearer a solution of the problem we started out to solve than before. It is true that the author is a little better off, because he has an extra chance of getting his play licensed.

The constitutional objection.

On the principle that something is better than nothing many of the dramatic authors limited themselves to demanding the right of appeal. This, as we see, leaves Censorship practically where it was before. Moreover, there remains the extremely sound, constitutional objection to the device of appeal or arbitration offered by the Joint Select Committee as a sufficient reason for its dismissal. The whole problem of Censorship, says the Committee, is "the question by what means the State, on behalf of the community, is to prevent the public performance of plays which are improper for such performance. To refer the decision of a Minister of State on such an issue to an outside arbitrator for approval or refusal is contrary to sound principles of government." It would perhaps make this plainer if we imagine a citizen convicted, according to the laws and procedure of the State, of a criminal offence, such as murder. It would obviously be "contrary to principles of sound government" if it were made possible for the murderer to appeal from the decision of the community to the decision of Mr Smith, appointed to decide between them. If Censorship is considered by the State to be a justifiable engine for the control of the theatre in the interests of its citizens, the author's appeal would be exactly analogous to the murderer's appeal to Mr Smith.

Optional Censorship.

We will deal now with the remedy suggested by the Joint Select Committee as it appears in the Blue-book Report—the remedy of optional Censorship. The Blue-book remedy is not the remedy of Mr Robert Harcourt or of Lord Gorell. Lord Gorell discovered almost at the last that optional Censorship was impossible.

A reduction of the Committee's recommendations to eighteen heads.

But first let us put down the majority conclusions and the majority scheme point by point for examination :—

(1) The theatre, simply considered as a medium of artistic and literary expression, requires special regulation. The ordinary law, which is sufficient for printed publications, is not sufficient for the theatre. Consequently there should be a Censorship.

(2) Business considerations make it absolutely necessary for actor-managers and managers of provincial theatres to have their enterprises insured in advance against *ex post facto* and local Censorship. Producers of plays should therefore be enabled to get them licensed by a central authority prior to production.

(3) But Censorship before production may "hinder the growth of a great and serious national drama." Therefore, although the managers who want to insure their plays should be allowed to send them to the Lord Chamberlain's Examiner for licence, it should also be

lawful for managers to produce unlicensed plays, whether they have been submitted for licence and refused, or whether they have not been submitted.

(4) Since unlicensed plays might conceivably be "of an improper character," the producers should be liable to penalties.

(5) The authority to decide as to whether unlicensed plays are improper or not, and to affix the penalties, should be the Courts of Law where the offence alleged is indecency; and in other cases, a mixed Committee of the Privy Council. A Committee of the Privy Council is suggested because, apart from indecency, which is an offence under the Common Law, the matters to be decided would be in many cases "too little questions of law and fact, and too much questions of discretion, to be suitable for reference to the Judges."

(6) A play is improper if it may reasonably be held—

(*a*) To be indecent.

(*b*) To contain offensive personalities.

(*c*) To represent on the stage in an invidious manner a living person, or any person recently dead.

(*d*) To do violence to the sentiment of religious reverence.

(*e*) To be calculated to conduce to crime or vice.

(*f*) To be calculated to impair friendly relations with any foreign power.

(*g*) To be calculated to cause a breach of the peace.

(7) Proceedings against an unlicensed play should only be taken by the Director of Public Prosecutions at his discretion.

(8) In cases of indecency he should prefer an indictment against the author and the manager before a Court of Law.

(9) In all other cases, as specified above, he should prefer an indictment before a mixed Committee of the Privy Council.

(10) The Committee of the Privy Council should at pleasure have the power to hear cases in camera.

(11) Immediately the Director of Public Prosecutions has given notice of his intention to take proceedings against an unlicensed play, it should be illegal for any further performances of the play to take place until the case has been heard and decided.

(12) The Court of Law before which an indictment is preferred against an unlicensed play should be empowered—

(*a*) To prohibit the performance of the play for such period as it may think fit, but for not more than ten years.

(*b*) To impose penalties on the manager.

(*c*) To impose penalties on the author.

(*d*) To endorse a conviction on the licence of the theatre.

(13) The Committee of the Privy Council before which an indictment is preferred against an unlicensed play should be empowered to prohibit the play and to endorse the licence of the theatre. It should not have the power to impose any further penalties.

(14) It should be considered lawful to take proceedings against the producers of licensed, as well as unlicensed, plays; but no penalties may follow. The play may not be suspended or prohibited; neither author nor manager may be punished; the licence of the theatre may not be endorsed.

(15) The licence of a theatre which has been three times endorsed within a period of five years should be liable to forfeiture, and incapable of renewal to the licensee for a period of five years following.

(16) The Censorship exercised by local authorities over music halls and provincial theatres, through their powers of licensing, should remain as at present, except that they may not withdraw the licence of a theatre because a licensed play has been performed there, or because an unlicensed play has been performed there that has not been convicted.

(17) The Director of Public Prosecutions should be informed as to improper performances by the press, the public, the police, and by deputies. He should have the right to be furnished on demand with a copy of any unlicensed play.

(18) Since the performance of unlicensed plays imperils the licence of a theatre by laying it open to endorsement, the owner of a theatre, or the lessee of a theatre who has sublet, should be entitled either to add to any lease or sub-lease a covenant that no unlicensed play shall be performed in the theatre, or shall only be performed upon conditions specified in the covenant; or, as an alternative, to cancel any lease or sub-lease if the licence of the theatre has been once endorsed.

The true nature of the producers' liberty of choice.

The above eighteen heads, to which the Joint Select Committee's recommendations may for the sake of convenience and clearness be reduced, are a perfectly accurate and unadorned analysis. Censorship is thereby made optional, and managers may produce unlicensed plays. But the managers who produce unlicensed plays shall be liable to have their performances arrested, and to have their licences imperilled. Moreover, the unlicensed play, expressly released from arbitrary and secret Censorship of the Lord Chamberlain's Examiner before production, is

expressly put under arbitrary and secret Censorship of a mixed Committee of the Privy Council after production. Managers, on the other hand, who obtain in advance for two guineas the Lord Chamberlain's policy of insurance are immune from the penalties that attach to the production of unlicensed plays.

The Joint Select Committee knows that it has failed.

The Joint Select Committee, putting forward its scheme of optional Censorship, was not so foolish as to believe that it had succeeded. Thus, in giving some excellent advice to the Lord Chamberlain "in the future performance of his duties," and impressing upon him the high responsibility of his position, the Committee asked him to reflect that "the conditions under which unlicensed plays will be produced will probably deter the greater number of managers from undertaking their presentation; and if that proves to be the case, the refusal of a licence to a play would diminish its chance of performance and depreciate its value as property." Later on the Committee declares: "The theatres will be few which will undertake the risk of staging unlicensed plays." Moreover, since the risk to the theatre's licence of producing unlicensed plays is comparatively great under the Committee's scheme, the owner of a theatre is expressly allowed to deter the manager or lessee from undertaking their production. Thus,

supposing the Committee's plan were adopted, Mr Granville Barker, now at the "Kingsway," would probably be unable to take even the small advantage offered by the liberty it gives him to produce an unlicensed play at his proper risk. For Mr Barker holds his theatre off Miss Lena Ashwell; and if Miss Lena Ashwell desired to safeguard her licence by inserting a clause that no unlicensed play should be performed at the "Kingsway," Mr Barker would be as completely at the mercy of the Lord Chamberlain's Examiner under the Committee's plan as he is to-day.

A curious paragraph as to licensed plays.

The point which immediately strikes one is the curious paragraph as to licensed plays. They may be prosecuted; but they are not liable to penalties. This paragraph is extremely important. The Committee hesitated to put the licensed play above the law. It remembered what it had learned of the character of many licensed plays from witnesses who had appeared before it. It also recognised that the "present law gives no immunity from prosecution for Common Law or other offences to plays licensed by the Lord Chamberlain, although in practice no prosecutions are undertaken." The Committee therefore concluded it was "inexpedient to confer an absolute immunity on plays to be licensed in the future." It therefore decided that it should be lawful to take proceedings

against licensed, as well as unlicensed, plays. But here there suddenly appeared a difficulty which finally drove Lord Gorell into recognising that optional Censorship was impossible. Obviously it made a scarecrow of the law to punish a manager for producing a play which had been licensed for production by public authority. How could the State take upon itself to punish a person for doing something which it had already declared to be lawful and proper? It was impossible to punish an act after it was committed already declared to be lawful before it was committed. The difficulty is not mere matter of chance or minor detail. It is inherent in the very nature of Censorship before production, which, against every principle of English law, declares the prisoner to be innocent or guilty before he has committed the crime of which he is accused.

The conversion of Lord Gorell.

Lord Gorell discovered the impossibility of optional Censorship at the last meeting of the Committee. The whole scheme had been discussed; the Draft Report had been amended line by line; it was all but ready to go to the respective Houses of Parliament as the sifted and finished result of the Committee's labour. Then, all at once, as described in the appended Minute of 2nd November 1909, we discover that Lord Gorell is taking back the Committee to paragraph 19 of the Report—the precise

paragraph where the Committee begins to discuss the *ex post facto* control of unlicensed plays. We can but faintly imagine the discussion that thereupon ensued. The Minute is baffling in its concision :—

Paragraph 19 is further considered.

It is moved by Lord Gorell to leave out the last three lines of the paragraph, and to insert: "*We consider that an optional Censorship is not logical*, although it might work if the powers of licence and of prohibition subsequent to performance were in the same authority with adequate competent advice. Rather than separate these powers, as was suggested by some witnesses, it would be advisable to abolish prior licence altogether. *We consider that the choice, therefore, lies between control prior to, or subsequent to, performance, and that, having regard to all the difficulties of the matter, the system of licence before production should be abolished, and that reliance should be placed on subsequent effective control.*"

On Question :—

Contents (2) — Lord Gorell, Mr Robert Harcourt.

Not Contents (6)—Earl of Plymouth, Lord Willoughby de Broke, Lord Ribblesdale, Lord Newton, Mr Alfred Mason, Mr Herbert Samuel.

It is resolved in the negative.

Paragraph 19 is again read, and *agreed to.*

The Draft Report, as amended, is read, and *agreed to.*

The tragedy of the Joint Select Committee.

In this brief, unemotional Minute is to be found the tragedy of the Joint Select Committee. Had Lord Gorell begun as he ended, the Report from the Joint Select Committee—nay, the trend of the evidence and its effect upon public opinion and the Government—would have been entirely different. As it was, the sole practical result of the Censorship job (1909) was the conversion of Lord Gorell from belief in the Censor to a reluctant conviction that Censorship before production is illogical, irreconcilable with English law, and unnecessary.

The Committee restores Censorship of the Sovereign in Council.

Further consideration of the scheme of the Joint Select Committee reveals another very curious logical freak. Even if the Committee's plan made it really optional for a manager to have his plays licensed by the Lord Chamberlain or not, as he desired, what, under the scheme of the Joint Select Committee, would be the real value of his option? It is immediately clear that the choice does not lie between Censorship and law, but between Censorship of the Lord Chamberlain before production and Censorship of a mixed Committee of the Privy Council afterwards. No play could be written which

some one might not discover to fall under one or other of the grounds for prosecution suggested in the Report. A Committee of the Privy Council, sitting secretly to determine whether a play did violence to the sentiment of religious reverence, or was calculated to conduce to crime or violence, or to cause a breach of the peace, would be virtually deciding whether it liked the play, and approved the intention of the play, or not. It is decidedly instructive to find the Joint Select Committee restoring Censorship to the Sovereign in Council, whence it originally sprang. The point, however, to notice is that the Committee itself, in suggesting that the Privy Council should be entrusted with these powers, knew perfectly well that they amounted to Censorship pure and simple. The Committee starts its recommendations by affirming that the ordinary law is insufficient, and goes on to suggest that matters which are "too little questions of law and fact and too much questions of discretion" should be dealt with by the Privy Council. The Committee, in fact, setting out to make the Censorship optional, first carefully provides that a licence before production shall confer so many advantages upon the licensee that most managers will invariably require it, and then proceeds to set up a further Censorship of plays after production in the hands

of a secret body virtually unlimited in its discretion.

The positive practical value of the Committee's suggestions.

Nevertheless there are excellent and extremely helpful passages of the Report. The Committee practically abolishes the Censorship of local authorities exercised through their powers of licensing, suggesting that the performance of licensed plays, or of unlicensed plays that have not been convicted of offence, shall not be a legitimate ground of refusal to renew the licence of any theatre. The Committee also suggests that the power to prosecute should be confined to the Director of Public Prosecutions. This does away with the common informer, and restricts the liberty of prosecution by blackmailers, vigilance societies, and the small but active body of citizens sufficiently in earnest to be intolerant of views they do not happen to share. The Committee, in fact, points the way to a solution of the whole question. If it had abolished the Lord Chamberlain's Censorship of plays prior to production, and if it had offered in substitution a plan for dealing with all plays on the lines of its plan for dealing with unlicensed plays (minus the unnecessary restoration of the Sovereign in Council), the majority on the Joint Select Committee would have put forward a solution which need not have been repudiated at the last moment as illogical by

the only trained lawyer who assisted at their deliberations.

The root difficulty is the difficulty of definition.

There is only one real difficulty in the way of a simple and immediate solution. It is precisely the difficulty which has made it impossible for English lawyers to build up a just and logical system of English law as to indecency, blasphemy, or libel. It is the difficulty of definition. Offences of this kind cannot be defined in advance. It cannot be predicted in advance by expert counsel whether a given book, play, lecture, or letter is libellous or not. The one possible way to find out whether a document is libellous or not is to take it into court and find out what a jury thinks about it. The same would apply to indecency in the theatre, if the theatre were placed under the law. The one really valid objection to abolishing Censorship for law, is that law would in practice amount to Censorship, and that the abolition of the Lord Chamberlain's Examiner would merely take the theatre from the Examiner's Censorship in order to put it under the Censorship of twelve plain men. If a statute were drawn up abolishing the Censor, it would be impossible to define offences against decency, and so forth, with sufficient accuracy to allow of their interpretation being left to a local magistrate or a county councillor. No matter

what solution is offered, since strict definition is impossible, we always come back to the question: Who is to be the interpreter?

The difficulty of definition is also at the root of the actor-managers' opposition. Suppose Censorship, both of the local authorities and of the Lord Chamberlain, were abolished, the managers have still to fear frivolous prosecution at the instance of the common informer and to dread the uncertain action of the law.

Law might conceivably be as uncertain as Censorship.

Let us consider a difficulty which was frequently used in one form or another by Lord Gorell, prior to his conversion, to baffle and perplex witnesses who were not sufficiently sensible of the intricacy of the problem. Suppose that the Censor is abolished, and that an alleged indecent performance has taken place. Till the case is tried its indecency has not been proved. Meantime, is the performance to go on? If not—and clearly the State must have power summarily to stop obvious obscenity—who is going to stop it? Some one must have authority to do so on *primâ facie* grounds. His action, in fact, must be summary and without appeal. How, then, would his action logically differ from Censorship? Of course, from the point of view of reason and justice, law, however capricious, would be preferable to Censorship. But unfortunately there are other things to consider, one

Who is to decide that a play must be arrested?

of which is that managers, as business men, prefer being judged innocent before they have offended to the possibility of being judged guilty afterwards.

Uncertainty cannot be eliminated, but it can be reduced to a minimum.

The difficulty cannot be avoided; but it can be faced, and it can be discounted. Half the managers' uncertainty, without Censorship, disappears if we abolish the arbitrary power of local authorities to deal with the licences of provincial theatres at their discretion. A large portion of the remaining half disappears if we limit the power to prosecute to a trained lawyer, whose reputation would suffer considerably if he appeared in a merely frivolous presecution. A still larger portion of the remaining half disappears when we have made it clear that only offences against the common law as to indecency, blasphemy, and libel shall be permitted as grounds for prosecution. If it is impossible strictly to define indecency, so that author and manager may know for certain in advance whether the play they intend to produce is indecent or not, it is at any rate possible to make it perfectly clear that criticism of current morality, or that serious treatment of political, social, or religious questions, are not a reasonable ground for an indictment before a Court of Law. The statute by which the Lord Chamberlain's Censorship will be abolished, if it cannot define

indecency as clearly as Euclid defined an isosceles triangle, can at least blue-pencil the extraordinary list of offences ingeniously provided for by the Joint Select Committee.

The necessary limitation of the common law.

The definition difficulty acts in precisely the opposite direction from that in which the Joint Select Committee were impelled. The Committee agreed that because definition is difficult, Censorship is, therefore, necessary to supplement the law. The opponents of Censorship argue that because definition is difficult, there is distinctly a danger of the law itself becoming a sort of Censorship. Far from setting up a Privy Council Censorship to supplement the law, it is actually necessary to restrict the law within reasonable limits. For this reason the Committee is to be complimented on embodying in its Report a suggestion that the burden of preferring indictments against unlicensed plays should rest with the Director of Public Prosecutions. Still more is the Committee to be complimented on the bold way in which they faced the most difficult practical question of all—a question which most talkers and writers about Censorship are only too happy to shirk. The Committee suggested that the initiation of proceedings by the Director of Public Prosecutions should *uno ictu* suspend the performances of the play in issue. Obviously the State must have

the power to stop the indubitably pornographic play pending a conviction. But it is not possible legally to distinguish before conviction the indubitably pornographic play from a play that will on trial be declared to be legally inoffensive. The power to stop a performance —whatever the machinery employed—must be summary, and exerted on *primâ facie* evidence. In fact it is Censorship, and can no more safely be left in the hands of local authorities and local magistrates than in the hands of the Lord Chamberlain and his advisers. The best way out was suggested by the Joint Select Committee. The Director of Public Prosecutions—the person who will bear the brunt and responsibility of the prosecution which follows, who, moreover, is a skilled lawyer interpreting the law so far as the law is ascertainable—is obviously the person most competent to exercise this summary power.

Conclusions.

Thanks to the Joint Select Committee of the House of Lords and the House of Commons, which asked 6,235 questions about the Censor, and to the witnesses who answered them, we are finally driven to the following conclusions :—

(1) The law, which prevents and punishes indecency, blasphemy, and libel in printed publications, is adequate for the control of the theatre. The theatre should be placed on a level with the

press, whose power of mischief is in every way greater, whose conduct, taste, and intelligence are considerably lower. The existence of an audience and the peculiar conditions of theatrical representations, far from being a motive of special control, is a safeguard against abuse of the theatre as compared with abuse of the press, and brings its possible offences more clearly within legal definition. The Courts of Law are now called upon to decide when a publication passes beyond the line of decency into indecency; they have to decide when criticism of religion becomes blasphemy, and when a personal attack becomes libel. The Courts of Law (preferably the judges acting without a jury), under the guidance of an Act of Parliament, are the proper tribunal to decide whether a play should be prohibited from being again performed, and whether penalties should be inflicted on its producers.

(2) The Lord Chamberlain's Censorship of plays should be abolished, also the Censorship exercised by the local authorities through their undefined powers over the licences of theatres. There should be no Censorship of plays either before or after production. Offences against the law in the theatre should be dealt with as all other offences against the law—every play to be held innocent until convicted of offence.

(3) The Director of Public Prosecutions should alone have the power to prefer an indictment against authors and managers on account of productions which he considers to transgress the law, and he should exercise this power entirely at his discretion. The Public Prosecutor's indictment of a play should suspend the performances. This power of summary suspension in the hands of the Public Prosecutor is the utmost allowable limit of Censorship. It is a concession to the extreme difficulty of definition—a difficulty which has not yet been met in the administration of the law as to libel, blasphemy, and indecency in printed publications. Should the public Prosecutor's indictment fail to be established, all those financially interested in the run of the play should be compensated for the damage incurred by summary suspension.

(4) The proposed Act of Parliament should make it quite clear that only offences against the common law are indictable. A play is not to be suspended because it does "violence to the sentiment of religious reverence," or because it is "calculated to cause a breach of the peace." The memorial Communion rite of the Wesleyan Methodists does "violence to the sentiment of religious reverence" of every pious Catholic. Almost any political meeting is "calculated to cause a breach of the peace." It might possibly

be wise and statesman-like to shut up every Nonconformist chapel in Great Britain, and to censor public political meetings. But till the Government is prepared to extend Censorship elsewhere, it has no right to impose Censorship on the theatre.

(5) So far as licensing is concerned, the theatre should be treated precisely as the public-house. It is immaterial to the argument that the public-house provides refreshment for the body, whereas the theatre (sometimes) provides refreshment for the mind. The theatre is a public building which should be required by local authority to be sanitary, safely constructed, and used for a specified purpose. It may actually be licensed for the sale of beer and spirits. Clearly, therefore, a theatre should be controlled by public authority. Licences should be granted in all cases by the local authority solely with a view to ensuring the observance of necessary by-laws. The licence of a public building for amusement should for convenience sake be a single licence for music, dancing, and stage-plays. It should be granted and renewed without reference to the nature of the entertainment. Only one ground of refusal should be allowed on this head—namely, conviction for offences against the common law.

(6) The proposals of the Joint Select Com-

mittee as to the effect of a conviction at common law are on the whole acceptable. The convicted play might, as the Committee suggests, be prohibited for not more than ten years; the theatre licence might be endorsed, and three such endorsements upon the licence of a single manager be a ground of confiscation.

These proposals should be acceptable to managers as well as to authors.

These proposals amount practically to accepting the recommendations of the Joint Select Committee minus the Censorship. The Committee's suggestions as to unlicensed plays are accepted for all plays, except that the *ex post facto* Censorship of a mixed Committee of the Privy Council has been ruled out, together with the extraordinary list of reasons why the Public Prosecutor should prosecute. There seems to be little ground for any reasonable objection of actor-managers against the proposed scheme. Censorship of local authorities has disappeared. They are safe against interference of any kind, save at the discretion of a trained lawyer interpreting an Act of Parliament—an official who would naturally be apprehensive of moving except in the case of an obviously pornographic entertainment. The advantages of such a scheme are suggested upon almost every page of the Censorship Blue-book. All these advantages are implicit in the supreme advantage

that it would rescue the theatre from a position of inferiority—the result of an historical accident only able to be perpetuated because the interests of theatrical managers as men of business are wrongly supposed to conflict with their interests as men of art. The Censorship of stage-plays is doomed as soon as the actor-managers discover that it is not even good business to sell their birthright for a mess of pottage.

Printed at
The Edinburgh Press
9 and 11 Young Street

6 x 2-9 7e

UNIVERSITY OF CALIFORNIA LIBRARY
Los Angeles
This book is DUE on the last date stamped below.

MAR 06 1992

UC SOUTHERN REGIONAL LIBRARY FACILITY
AA 000 411 015 1